XIIIA

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1891.

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Published by Authority.

XIIIA 36

Lahore:
THE "CIVIL AND MILITARY GAZETTE" PRESS,
Contractors to the Punjab Government

1892.

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department, No. 1061, dated 18th November 1892.

READ—

The Report on the Administration of Civil Justice in the Punjab during the year 1891.

REMARKS.—In 16 districts of the Province the number of suits instituted rose as compared with the figures for 1890. The increase of 56 per cent. in the Karnál District and 28 per cent. in that of Rohtak is remarkable. The explanation given in Appendix C is that money-lenders and shop-keepers seized the opportunity of unusually good harvests in the year 1891 to effect as many recoveries as possible. It is observable, however, that the District Judge of Shahpur puts forward the goodness of the harvest to account for the large fall in litigation in his district. The District Judge of Gurdáspur also propounds a similar view. It is difficult to form an opinion between these apparently conflicting views: the point is one requiring careful and more detailed consideration. The Civil Justice Reports do not give year by year the number of suits instituted in each district by name, so that we cannot tell what the average litigation in these districts has been during the past five years. The Report should show this in future.

2. In paragraph 6 of the Report there is an error, though a trifling one: there was an increase of 18 cases under the head of registered bonds, not a decrease as therein stated. There was again in the year under review an increase in the number of suits instituted by bankers and shop-keepers against agriculturists, 112,217 such cases having been brought as compared with 105,394 in 1890.

3. In paragraph 8 of the Report it is stated that "as regards landed property, the rules framed by the Local Government under the Suits Valuation Act are now in operation, and the valuation is a fictitious one, having no relation to market value." His Honor trusts that the rules have not so completely failed to meet their purpose as might be supposed from this. The object of the Act was to enable the Local Government where necessary to preclude troublesome inquiries into the *exact value* of land in connection with questions of jurisdiction, by empowering it to make rules for determining the value of land in a rough-and-ready approximate way for this particular purpose. It of course follows from the very nature of the case that the value of land as determined under such rules must often deviate considerably from the true value, but so long as the deviation is, speaking generally, within reasonable bounds, this is tolerated for the sake of the great convenience of the arrangement. If, however, it were the case that the valuation under the rules is a "fictitious one, having no relation to the market value," these rules would have to be revised.

4. The following remarks are made in paragraph 16 of the Report on the extremely small and constantly dwindling percentage of cases referred to arbitration in the course of litgation before the Courts:—"the unpopularity of the provisions of the law as to arbitration have often been remarked upon. They are too rigid, and do not give the Courts sufficient discretion in dealing with awards made by arbitrators, and parties hesitate to place themselves entirely in the hands of their friends without power of revision or appeal." Sir Dennis Fitzpatrick entirely agrees with the learned Judges that the limitation of the powers of the Court to rip open awards of arbitrators which was introduced by the extension to the Province of the Code of Civil Procedure has operated to a considerable extent to diminish the references to arbitration before the Courts. He believes that the people still settle a very large number of disputes by arbitration in their own homes, but when they fail to do this, and a really contentious suit (as distinguished from a suit which is merely a spur to a dilatory debtor) is instituted, they are generally too angry with one another to take any course but that of fighting the matter out to the bitter end, and in particular they are averse to stake the result of a dispute which has acquired an enormously exaggerated importance in their eyes on a reference to arbitrators who at the Cutcherry feel emancipated from the

sense of responsibility and other checks under which arbitrators appointed without official interference and sitting in a village act, and whose decision will probably be a final one. Under such circumstances there can be no doubt that the greater the degree of finality given to the award the less willing are litigants to resort to arbitration. But there is no doubt that there are other reasons to account for the constant decrease in the number of cases referred to arbitration. One is that the extended employment of the professional legal practitioner has increased the bitterness of spirit in which litigation is carried on, and another reason, and probably the most important of all, is that whereas officers, at least the more indolent officers, used practically to force people to submit to arbitration, few officers would under the more regular system now prevailing attempt such a thing, and if they were to attempt it, the chances of their succeeding would be every year less and less. As regards the suggestion which seems to be involved in the Judges' remark that arbitration might be more freely resorted to if the Courts were again given a larger power of interfering with the awards, His Honor is unable to give any opinion upon it until he sees exactly what further powers of interference are desired; but he does not see how a Judge can go at large into the merits of an award, and he would add that the attempts made by judicial officers in the Punjab under the old system to do this were commonly, except in the case of a few singularly gifted men, eminently unsatisfactory.

5. The pending file at the close of the year was 18,486 cases compared with 16,183 in 1890. The largest numbers were in the Hoshiárpur and Lahore Districts, namely 1,599 and 1,429 respectively, while in three other districts there were more than 1,000 pending cases. The question of readjusting the staff of Extra Assistant Commissioners in districts has been under consideration for some time, and the Commissioners of the Cis-Indus Divisions were addressed on the subject nearly a year ago. All replies, however, have not yet been received. The recommendations made by Commissioners should be partly based on the requirements of the civil judicial work in different districts.

6. In the year 1889 only 5,784 land suits were decided by Assistant Commissioners and Extra Assistant Commissioners, and in the following year 8,425 of the same class, while in that under review 10,206 such cases were disposed of by that agency. Tahsíldárs also performed a much larger amount of this work in the year under review. The further transfer of the business of deciding land suits from the courts of the Munsifs to those of Tahsíldárs and Assistant and Extra Assistant Commissioners is in accordance with the views expressed by Sir James Lyall in paragraph 4 of the Review of the Civil Justice Report for 1890, and is very satisfactory. At the same time it is clear that the process may in some instances be pushed too far, as is evident from the remarks made by Mr. Lewis, District Judge of Ludhiána, at page xxvii of Appendix C of the Report, as to the effect of transferring land suits to an officer situated as the Revenue Assistant at Ludhiána is described to be.

The Lieutenant-Governor will look separately into the question whether, as stated in Appendix A, Tahsíldárs should have disposed of all land suits of not more that Rs. 100 in value, as well as of certain other suits.

7. The Lieutenant-Governor desires to record his thanks to the Honorary Civil Judges, who have rendered valuable assistance in the administration of Civil Justice.

8. As during the two previous years, the proportion of wholly infructuous applications for execution of decree exceeded 48 per cent. It has more than once been observed that the percentage of so-called wholly infructuous decrees is no real criterion of the number of cases in which decree-holders recover nothing. Numerous settlements are made out of Court, payment to the decree-holder not being certified under Section 258 of the Code of Civil Procedure. Similarly, there must be a considerable number of cases in which the mere institution of a suit is sufficient to make the defendant come to a settlement, for the table given in paragraph 14 of the Report shows that 48,105 suits were dismissed in default under Sections 97 and 98 of the Code, only 7,465 of which

were readmitted, while only 259 fresh suits were brought on the claims so dismissed. Unless therefore a large number of settlements were made out of Court, it is very unlikely that over 40,000 suits should be dismissed and no fresh actions instituted by the plaintiffs. Still there is no doubt that in a large number of instances there is a want of success in execution proceedings. This is attributed by many officers to the perfunctory manner in which such proceedings are conducted, the fact being that most Courts take them up only at the tail end of the day or in spare scraps of time. The practice which was enjoined some years ago of making over all execution proceedings at the district head-quarters to a single officer of whose work such proceedings formed a substantial and important part was found to remedy this evil to some extent and might be worth trying again.

9. The very small number of cases in which judgment debtors were imprisoned in execution, namely 362, the small number of cases, 2,611, in which immoveable property was sold, and the extremely small number of cases, 30, in which hereditary or joint acquired property in land was sold are worth noting.

10. The experiment of investing selected Munsifs with Small Cause Court powers was tried in certain areas, more than 13,000 cases being disposed of in this way. In regard to this system the following remarks appear in paragraph XII of Appendix A of the Report :—"it puts final powers into the hands of a class of poorly-paid judicial officers ; and, unless officers are carefully selected and watched, tends to encourage a summary disposal of cases without full and proper enquiry into the merits. In these days of work at high pressure some judicial officers are apt to slur over their work in order to get it off their hands, and the Small Cause Court procedure gives a stimulus to this tendency where the officer exercising the powers is not exceptionally painstaking, conscientious and reliable." These remarks are in complete accord with the view which Sir Dennis Fitzpatrick has always entertained in regard to vesting officers with Small Cause Court powers. The experiment will have to be carefully watched and great discrimination observed in selecting officers for the exercise of such powers.

11. The reduction from 117 to 89 days in the average duration of appeals in Divisional Courts is satisfactory.

12. The number of applications for Revision presented in the Chief Court was 1,738 against 1,713 in the previous year. This increase was scarcely expected, because in July 1890 certain rules were introduced by the Judges requiring applicants for Revision to deposit security before the admission of their applications. In 1889 there were 1,838 such applications, and there being only 1,713 in 1890, the new rules having come into force at the end of July, it was thought that in 1891, with the rules in operation throughout the year, there would be a still greater decrease, whereas as a fact there has been a slight increase. The institutions of all kinds in the Chief Court do not differ materially from those of 1890. The present law of Civil appeal as provided by Act XIII of 1888 has now been in force for four years, and after the close of the present year the question of retaining or amending it has to be considered.

13. Appendix C contains some criticisms by the District Judge of Shahpur on the operation of the clauses in the Punjab Laws Act which relate to pre-emption. Mr. Wilson is of opinion that as pre-emption is a purely personal right, the law should require a claimant of pre-emption rights to show that he is a *bonâ fide* claimant. The point seems worthy of consideration, but it should be submitted separately.

14. The Divisional Judge of Umballa has observed that there was an immense decrease in the number of cases decided by the District Judge, as compared with previous years, especially in 1889, when 289 cases were decided against only 38 in the year 1891. The Lieutenant-Governor desires that under the orders of the Judges an explanation of this decrease may be called for, and submitted for his information.

The *punchâyet* experiment in the Umballa District, on which Mr. Smith, the Divisional Judge, has also commented unfavourably, has formed the subject of discussion in official correspondence during the past year. It is unnecessary

to say more about it now than that new measures of such very great importance ought not to be undertaken by District Officers without the previous sanction of the Local Government.

Mr. Smith also notices a scheme which has been introduced in the Umballa District, whereby copies of judicial records are transmitted by value payable parcel post to applicants. The scheme is said to work well, and if it results in saving the people from long journeys to head-quarters and being plundered when they get there, the Divisional Judge thinks that it is deserving of every consideration. His Honor will be obliged if the Judges will enquire how the system has really worked. The matter seems worthy of consideration.

There are several other topics of interest referred to in part XV of Appendix C under the heading "any other subject connected with the administration of Civil Justice," but they are scarcely such as could be properly discussed in a review of this kind.

ORDER.—Ordered that the above Review be forwarded to the Registrar of the Chief Court for the information of the Judges, and for circulation with the Report; also that it be forwarded to the Government of India in the Home Department with the usual number of copies.

Also that it be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

H. MAUDE,

Junior Secretary to Government, Punjab.

Punjab Government Press, Lahore—19-11-92—443.

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No. 4.—Statement showing the general result of the trial of civil cases in the courts of original jurisdiction in the Punjab in the year 1891. (Part II, Miscellaneous cases.)

No. 5.—Statement showing the business of the civil appellate courts in the Punjab in the year 1891. (Part I, appeals from decrees. Part II, Miscellaneous.)

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No. 8.—Statement showing the use of assessors in the civil courts of the Punjab in the year 1891.

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Appendices.

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B.—Note on the working of Divisional and Sessions Courts.

C.—Extracts from the civil reports of Divisional and District Judges.

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FROM

E. W. PARKER, ESQUIRE,

Registrar, Chief Court, Punjab,

To

C. L. TUPPER, ESQUIRE, C. S.,

Chief Secretary to Government, Punjab.

Dated Lahore, the 7th May 1892.

SIR,

Submits Annual Report.

I am directed by the Judges to submit the report on the administration of Civil Justice in the Punjab, for the year 1891, together with the usual statistical tables.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTIONS,—CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS.

Number of suits instituted.

2. The following statement shows the number of suits instituted in all the Civil Courts of the province in each of the past six years:—

Class of court.	1886.	1887.	1888.	1889.	1890.	1891.
Chief Court	3	3	4	5	5	5
Divisional Courts	9	7	3	3	5	6
District Courts of general jurisdiction	218,427	223,917	235,287	222,721	220,219	211,434
District Small Cause Courts ...	15,680	15,041	15,162	13,964	14,087	28,340*
Cantonment Small Cause Courts ...	8,204	9,209	7,519	6,706	6,363	6,574
Total ...	242,323	248,177	257,975	243,399	240,679	246,359

* Includes suits instituted in the Courts of Munsifs invested with Small Cause Court powers.

Fluctuations noticed.

3. The number of suits instituted is above that for any year shown in the statement except the years 1887 and 1888, but does not exceed the average for the whole period. As compared with the preceding year, there has been an increase of 2 per cent only, which is merely nominal. The most noticeable differences appear under District Courts and District Small Cause Courts, respectively; this is because several Munsifs were experimentally invested with Small Cause Court powers within selected tahsils, and decided a considerable number of cases, in exercise of these powers, which would ordinarily have been shown under District Courts. There were about 13 suits to every thousand of the population. The bulk of the litigation is of a very petty character.

4. A detailed examination of the district returns shows that institutions have risen in sixteen districts, the increase being most noticeable in the following districts :—

District figures noticed

	Cases.	Per cent.
Siálkot	2,164	14
Gujranwála	2,068	19
Karnál	1,380	56
Umballa	1,229	13
Gujrát	1,176	14
Rohtak	920	28
Jhang	857	14
Lahore	640	4
Hissár	629	19
Ferozepore	567	5

The only districts which show a marked decrease are—

	Cases.	Per cent.
Shahpur	1,770	25
Jhelum	1,432	19
Ráwalpindi	1,034	9
Dera Gházi Khan	812	15

District officers attribute fluctuations to agricultural conditions, the public health, and the visitations of locusts. The extracts appended to this report contain all the more important remarks made on the subject.

5. The following table shows the number of suits under the chief heads of classification for each of the past four years :—

Classification of suits.

	Description of suits.	1888.	1889.	1890.	1891.
I.—Suits for money or moveable property.	On registered bonds	2,525	2,131	1,998	2,016
	On unregistered bonds	90,012	87,671	92,979	94,969
	Otherwise than on bonds	105,876	96,993	92,276	95,346
	For rent other than of land	3,586	3,499	3,412	3,813
	For moveable property or value thereof ...	16,167	14,476	13,323	13,857
	For damages	2,081	2,028	1,550	1,501
	Other suits	1,976	1,273	1,595	1,254
	Total ...	222,223 86 p. c.	208,071 85 p. c.	207,133 86 p. c.	212,756 86 p. c
II.—Rent suits and suits under the Punjab Tenancy Act ...		5	29	9	10
III.—Other suits.	For immoveable property	27,439	26,806	25,804	25,340
	For a declaration of right	2,536	2,468	2,364	2,161
	For specific performance	199	203	136	168
	Relating to betrothal, marriage, divorce and dower	4,687	5,089	4,564	5,297
	For or relating to partition	184	195	184	194
	Not included in the above	702	538	485	433
	Total ...	35,747 14 p. c.	35,299 15 p. c.	33,537 14 p. c.	33,593 14 p. c.
	GRAND TOTAL ...	257,975	243,399	240,679	246,359

6. There is an increase under all the heads shown in the first part of the statement, with the exception of suits "for damages" and "other suits for money or moveable property." The differences under the second and third heads are small; land suits have decreased somewhat. The decrease under the head of "registered bonds" and corresponding increase under "unregistered bonds" still continues. Bankers and shop-keepers brought 112,217 cases against agriculturists during the year, as compared with 105,394 suits in 1890.

Increase and decrease under various heads noticed.

The character of the bulk of the litigation under the first head of the statement, will be seen from the fact that out of 212,756 cases—

46,661 did not exceed Rs. 10 in value.
103,232 exceeded Rs 10 but did not exceed Rs. 50 in value.
35,228 exceeded Rs. 50 but did not exceed Rs 100 in value

185,121 were under Rs 100 in value.

7. The following table shows the value of such suits instituted as were capable of money valuation, for each of the last three years:—

Value of suits

Class of suit		Number of suits instituted capable of money valuation	Value.	Average value
			Rs	Rs. a. p
(1). For money or moveable property ...	1889 ...	208,071	1,29,10,865	62 0 9
	1890 ...	207,133	1,68,97,175	81 9 2
	1891 ..	212,756	1,40,21,867	65 15 0
(2). For land assessed or subject to assessment	1889 ...	19,817	46,85,382	236 6 11
	1890 ...	18,593	41,97,213	225 11 10
	1891 ...	17,750	44,57,145	251 1 8
(3) For other immoveable property ...	1889 ..	8,603	22,82,563	265 5 2
	1890 ...	7,587	28,78,660	379 6 8
	1891 ..	8,080	14,87,003	184 0 6
(4) Other suits ...	1889 ..	4,725	8,26,291	174 14 0
	1890 ...	5,189	14,86,320	286 6 11
	1891 ...	5,617	18,53,881	330 0 9
Total ...	1889 ...	241,216	2,07,05,101	85 13 14
	1890 ...	238,502	2,54,59,368	106 11 11
	1891 ...	244,203	2,18,19,896	89 5 7

8. Out of 246,359 suits instituted in the province, 2,156 were of indeterminate value. The total value of the litigation was Rs. 2,18,19,896, or about thirty-six lakhs less than in the year 1890, and eleven lakhs above the value in 1889. Thus notwithstanding an increase in number, the value has gone down. There were several suits of exceptionally high value instituted during the year 1890. The most noticeable differences are a fall in value of about 20 per cent in suits for money and moveable property and of nearly 50 per cent in suits for immoveable property other than land assessed to revenue.

Variations in value noticed.

Large variations must occur in dealing with the valuation of suits. As regards landed property, the rules framed by the Local Government under the Suits Valuation Act are now in operation, and the valuation is a fictitious one, having no relation to market value.

The variations in total value were largest in the following districts :—

	Rs.		Rs.
1. Jullundur ...	+ 2,79,000	1. Gujránwála	— 28,47,000
2. Hissár ...	+ 1,81,000	2. Lahore	— 10,76,000
3. Jhelum ...	+ 1,19,000	3. Ráwalpindi	— 3,01,000
4. Ludhiána ...	+ 1,17,000	4. Umballa	— 1,68,000
5. Hazára ...	+ 1,10,000	5. Gujrát	— 1,06,000
6. Amritsar ...	+ 1,06,000		

Explanations are being called for as to these large fluctuations, except in the case of the Lahore and Gujránwála districts, in which the differences are explained by the fact that a few suits of largo value were instituted in the year 1890.

Average value noticed.

9. The average value for all classes of suits was Rs 89-5-7 in 1891, against Rs 106-11-11 in 1890 and Rs 85-13-4 in 1889. The average value of suits for money or moveable property (head 1) has fallen, while that of head 2 (land suits) has risen. The decrease in the average value of suits for immoveable property is most marked; it has fallen from Rs 379-6-8 to Rs 184-0-6. The average value of other suits (head 4) has increased by about Rs 56.

B.—DISPOSAL OF ORIGINAL SUITS BY COURTS SUBORDINATE TO THE CHIEF COURT.

Original suits in Divisional Courts.

10. Divisional Courts disposed of the eight original suits which were for disposal. In the previous year the figures were four out of six suits.

Original suits in other courts.

11. The subjoined table shows the number of original suits for disposal, disposed of and pending, at the close of the year, in other subordinate courts, for each of the last five years :—

Year.	For disposal (pending, instituted and re-admitted).	Disposed of.	Pending.
1887	278,228	260,912	17,316
1888	285,973	268,174	17,799
1889	272,095	254,994	17,101
1890	269,449	253,266	16,183
1891	274,175	255,689	18,486
Difference between 1890 and 1891 ...	+4,726	+2,423	+2,303

Taking the averages for five years, there were—

	Average.	1891.
For disposal	276,000	274,000
Disposed of	258,000	255.000
Pending	17,300	18,400

Compared with these figures the results in the year under report were normal, and call for no special explanation. The pending file is something more than 1,000 cases above the average; and disposals are 3,000 below the average.

12. The following abstract shows the manner in which original civil suits were disposed of during each of the past four years :—

Manner of disposal.

Manner of disposal.	Percentage decided			
	1888.	1889	1890	1891
Without trial	19·4	19·6	19·7	20·4
,, contest	50·5	50·3	50·2	50·3
On reference to arbitration	·8	·6	·6	·5
After contest { For plaintiff	21·7	21·6	21·9	22·0
After contest { For defendant	7·6	7·9	7·6	6·8

These results do not call for remark.

13. Further details of the disposal of original suits during each of the three past years are given in the annexed table : —

Further details of disposals

1	2	3	4	5	6	7	8	9	10
Year.	PERCENTAGE OF CASES								
	Dismissed on default.	Withdrawn with leave, section 373, Civil Procedure Code.	Compromised.	Decreed on confession.	Decreed or dismissed *ex parte*.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.	Percentage of contested cases decided in favor of plaintiff to the number contested.
1889	17·9	0·4	19·1	17·4	13·7	0·6	21·6	7·9	71·8
1890	17·9	0·3	18·8	17·1	14·2	0·6	21·9	7·6	74·4
1891	18·8	0·3	18·5	17·2	14·3	0·5	22·0	6·8	76·3

The results are normal. The percentages of cases dismissed for default and of contested cases decided in favor of plaintiff show a slight increase.

14. The following statement shows, in further detail, dismissals on default and *ex parte* decisions, for each of the past four years :—

Dismissals by default and *ex parte* decisions.

Year	DISMISSALS ON DEFAULT.				*Ex parte* DECISIONS.					
	Number of cases dismissed on default under sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under sections 97 and 98, Civil Procedure Code*		Number of fresh suits brought on claims dismissed on default under sections 97 and 98, Civil Procedure Code	Number of cases in which judgment was passed *ex parte* against a defendant, under section 101, Civil Procedure Code.	*Applications to set aside ex parte decrees.*		Number of cases in which suit was dismissed under section 102, Civil Procedure Code.	*Applications under section 103, Civil Procedure Code.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused
1888 ...	47,659	5,630	2,306	346	32,298	2,639	1,888	3,504	1,221	439
1889 ...	45,843	4,939	2,426	214	31,639	2,700	1,819	3,461	1,185	435
1890 ...	45,570	6 845	2,993	261	32,420	2,863	1,909	3,670	1,371	516
1891 ...	48,105	7,465	2,735	259	32,825	2,720	1,946	3,842	1,401	442

15. The following districts show the highest percentages of disposals under these heads :—

Districts in which percentages were highest

		Districts.	*Percentage on the number disposed of in the district.*
Dismissals on default	1.	Gurdáspur ...	21
	2.	Siálkot ...	19
	3.	Amritsar ...	19
		Provincial average	18·8
Ex parte decisions	1.	Simla .	21
	2.	Dera Ismail Khan	18
	3.	Mooltan ...	17
	4.	Jhang ...	
		Provincial average	14·3

About 30 per cent of the total number of cases decided were contested to the end. Plaintiffs were successful in 76 per cent of those contested.

16. Fourteen hundred and forty-six suits, or 0·5 per cent on disposals were decided by arbitration during the year 1891, against 1,531, or 0·6 per cent, in 1890. The unpopularity of the provisions of the law as to arbitration have been often remarked upon. They are too rigid, and do not give the courts sufficient discretion in dealing with awards made by arbitrators, and parties hesitate to place themselves entirely in the hands of their friends without power of revision or appeal.

References to arbitration

17. The number of commissions issued for local investigation and for examination of accounts, in each of the past three years, was as follows :—

Issue of commissions.

Year.	For local investigation.				For examination of accounts.			
	To a revenue official.	To any other person.	Total	Average cost.	To a revenue official.	To any other person.	Total.	Average cost
1889 ...	270	2,028	2,298	5 11 0	33	1,093	1,126	4 10 0
1890 ...	252	2,231	2,483	5 4 3	43	1,182	1,225	4 13 10
1891 ..	287	1,982	2,269	5 0 0	70	1,136	1,206	5 0 0

18. Property was attached before judgment in 510 cases. The figures for four years are :—

Attachment before judgment.

1888	520
1889	452
1890	513
1891	510

Compensation for improper attachment was awarded in only one case. The number of attachments before judgment was highest in Lahore (59) and lowest in the Karnál, Hoshiárpur and Kullu (one) civil districts.

Decree bearing interest.

19. The number of decrees bearing interest has again decreased. The average rate allowed, however, shows an increase. The following table shows the figures for the last five years under this head :—

	Number of cases in which interest was allowed on the amount decreed.				
	1887.	1888.	1889.	1890.	1891.
By consent	449	440	439	278	223
Without consent	88	72	117	81	62
Total ...	537	512	556	359	285
				Rs. a. p.	Rs.
Average rate of interest ... By consent—per cent.				7 2 0	8
Without consent—per cent. ...				7 10 0	8

Pending file.

20. The pending file at the close of the year was 18,486, against 16,183 in 1890. Of these, 1,363 cases were pending under section 99 A of the Code of Civil Procedure. These results are on the whole not unsatisfactory. The pending files stood highest in the following districts :—

Hoshiárpur	1,599
Lahore	1,429
Gujránwála	1,172
Siálkot	1,073
Umballa	1,042
Gurdáspur	994
Amritsar	976
Ferozepore	835

In the Hoshiárpur, Lahore and Gujránwála districts the pending files were too high. Disposals did not keep pace with institutions (including readmissions) in the Umballa, Hoshiárpur and Siálkot districts.

Average duration.

21. The average duration of suits for the whole province, in each of the past three years, was—

	Days.	
	Contested.	*Uncontested.*
1889	34	22
1890	34	21
1891	32	21

22. The average duration in the various classes of courts, in each of the past three years, was—

Average duration in various classes of courts.

Class of court.	Contested.			Uncontested.		
	1889.	1890.	1891.	1889.	1890.	1891.
District Judges' Courts	72	66	69	53	41	43
Courts of Subordinate Judges with appellate powers	61	58	60	44	37	38
Assistant and Extra Assistant Commissioners (Special Sub-judges or Munsifs)	54	53	47	35	33	34
District Small Cause Courts	17	22	20	14	16	17
Cantonment do. do.	16	19	19	15	15	17
Munsif's Courts	31	30	28	22	20	19
Tahsildárs' Courts (Special Munsifs)	31	35	34	18	22	22
Náib-Tahsildárs' Courts (Special Munsifs) ...	22	19	18	15	14	14
Honorary Civil Judges' Courts (Special Munsifs) ...	30	32	28	19	22	19

C.—AGENCY EMPLOYED IN DISTRICTS FOR THE DISPOSAL OF CIVIL SUITS.

23. The following statement shows the manner in which original suits were distributed between the various grades of courts during the year under report, as compared with the years 1889 and 1890, respectively :—

Distribution of civil work between the various grades of courts.

Number of officers employed on civil work.			Grade of officers.	Original suits decided.						Average number of cases decided by officers of each grade.		
				Number.			*Percentage.*					
1889	1890	1891		1889.	1890.	1891.	1889	1890	1891	1889.	1890.	1891.
			District Judges and Subordinate Judges with appellate powers ...	5,444	5,494	4,608	2·1	2·1	1·8	...	...	...
			Assistant Commissioners (Special Munsifs)	2,742	3,297	3,501	1·0	1·3	1·4	...	...	...
			Extra do. do. (Special Munsifs)	14,150	15,958	15,808	5·5	6·3	6·3	...	...	...
116	116	124	Tahsildárs (Special Munsifs) ...	13,781	14,385	15,292	5·4	5·7	5·9	119	124	124
6	6	5	Náib-Tahsildárs (do.) ...	500	1,181	899	·1	·5	·3	83	197	180
*83	*83	84	Munsifs	184,496	180,599	169,096	73·1	71·3	66·2	2,247	2,176	2,013
5	8	7	Judges of District Small Cause Courts and Registrars ...	14,103	14,326	14,499	5·5	5·6	5·6	2,821	1,791	2,071
...	..	...†	Munsifs exercising Small Cause Court powers	...	...	13,457	...	...	5·2	...	...	...
9	9	8	Judges of Cantonment Small Cause Courts	6,709	6,460	6,659	2·6	2·6	2·6	752	718	832
57	52	56	Honorary Civil Judges ...	11,009	11,560	11,810	4·7	4·6	4·6	192	222	211
			Total ...	254,994	253,266	255,689	...	...	...	...	...	...

* One Munsif was Registrar of the Lahore Small Cause Court in these years.

† Included among the Munsifs in 1889, 1890 and 1891.

24. The decrease in the work done by Munsifs from 71 to 66 per cent is nominal, as, including the 13,457 cases disposed of by this agency in exercise of special Small Cause Court jurisdiction, the percentage is 71. The decrease in the courts of District and Subordinate Judges is not satisfactory. These courts are now heavily burdened with appellate work, but, nevertheless, they should have disposed of more original work than is shown against them. The largest amount of original work done by these officers was in the Bannu, Peshawar, Ráwalpindi and Delhi districts.

Remarks on the above statement

Assistant and Extra Assistant Commissioners disposed of a little more work, but not enough. They should be required to decide over 21,000 cases in the year.

25. The following table shows the number of land suits disposed of by each class of court during the years 1890 and 1891 :—

Land suits disposed of by each class of court.

Class of court.	Number of land suits.	
	1890	1891
District Judges	783	933
Sub-Judges with appellate powers	1,390	1,099
Assistant and Extra Assistant Commissioners	8,425	10,206
Small Cause Courts	...	...
Munsifs	6,931	1,454
Tahsil Courts	3,839	6,757
Honorary Civil Judges	730	676
Total ...	22,098	21,125

26. It is satisfactory to note that Munsifs have been called upon to do fewer land suits this year, and that Assistant and Extra Assistant Commissioners and Tahsildárs have taken the bulk of this class of work.

Remarks on the above

27. A special note by the Registrar, on the amount of work done by each class of court, will be found in Appendix A. It will be observed that great improvement has taken place in the distribution of work since Sir James Lyall took steps to impress upon Deputy Commissioners the necessity for requiring Assistant and Extra Assistant Commissioners and Tahsildárs to take a fair share of civil judicial work.

Note on the work done by each class of court.

28. The annexed statement gives the names of the Honorary Civil Judges who disposed of the greatest number of suits. Valuable assistance is rendered by these officers :—

Honorary agency

District.	Name of officer.	Powers	Number of cases disposed of.
Umballa ...	Sardár Harnám Singh . .	Munsif, 2nd class	827
Ferozepore ...	Sodhi Khazán Singh	„ 3rd „	777
Siálkot ...	Sardár Richpál Singh	„ 3rd „	753
Gujránwála ...	Rája Harbans Singh	„ 3rd „	722
Siálkot .	Sardár Dyál Singh	„ 2nd „	664
Karnál ..	Maulvi Riáz Husain	„ 3rd „	583
Muzaffargarh .	Muhammad Saifullah Khan, Khan Bahádur	„ 2nd „	583
Lahore ..	Sardár Bolaka Singh ...	„ 3rd „	403
Shahpur ..	Lála Kishen Dyál	„ 3rd „	387
Jullundur ...	Sardár Harnám Singh	„ 3rd „	359
Montgomery ...	Lála Bhág Rai	„ 3rd „	351
Ferozepore ..	Sodhi Indar Singh	„ 2nd „	343
Kohát ...	Khan Bahádur Muhammad Zaffar Khan...	„ 2nd „	339
Kángra ...	Rája Narindar Singh	„ 2nd „	284
Hoshiárpur ...	Sardár Bahádur Rajindar Singh ...	„ 3rd „	272
Delhi .	Mahomed Ikrámullah Khan, Khan Bahádur	„ 2nd „	264
Umballa ...	Rai Thandi Rám	„ 2nd „	212

D.—MISCELLANEOUS CASES.

29. The following statement shows the number of miscellaneous cases under the Code of Civil Procedure (excluding applications for execution of decrees), instituted in District Courts in each of the past two years :—

Miscellaneous cases of a civil nature under the Code.

Nature of case	1890.	1891
Plaints or memoranda of appeal rejected or returned without registration	5,915	5,228
Applications for restoration to the file of a suit or appeal dismissed in default or decreed *ex parte* (sections 99, 103, 108, 558 and 560, Civil Procedure Code)	14,007	16,147
Objections with regard to attached property (sections 278 and 487) ...	12,740	13,098
Applications for permission to sue as a pauper (section 401) ...	1,042	1,149
Applications for review of judgment (section 623)	1,440	1,451
Other cases	840	898
Total	36,884	37,971

30. The institutions of other miscellaneous cases, unconnected with the Code of Civil Procedure, amounted to 6,934, against 5,737 in 1890. Of these, 2,456 were cases relating to redemption or foreclosure of mortgages (*viz.*, 142 for redemption and 2,314 for foreclosure), as compared with 2,104 in 1890. They were most numerous in the Gujránwála (452), Ferozepore (414), Hissár (348) and Umballa (210) districts.

Other miscellaneous cases

The number of applications instituted under the Succession Certificate Act, VII of 1889, was 2,891, against 2,272 in 1890; the change in the law accounts for the large increase under this head.

There were 710 applications for guardianship and administration of the the property of minors, against 661 in the year 1890.

31. The following table shows the number of miscellaneous cases disposed of in Divisional Courts during the past two years:—

Miscellaneous cases in Divisional Courts

Nature of case.	1890.	1891
Memoranda of appeal rejected or returned	362	324
Applications under sections 558 and 560 for restoration to the file of an appeal dismissed in default or decided *ex parte*	118	131
Applications for permission to appeal as a pauper	63	49
Ditto for review of judgment	130	111
Ditto for certificates to appeal under section 40 (c), Punjab Courts Act	1,924	2,152
Cases under the Land Acquisition Act, 1870	50	64
Cases under section 14 of the Legal Practitioners' Act, 1879 ...	...	1
Total ...	2,647	2,832

Applications for certificates to appeal show a tendency to increase. The figures for the last four years are—

1888	1,384
1889	1,617
1890	1,924
1891	2,152

They are frequently applied for merely for the purpose of being rejected and thus opening the door to an application to the Chief Court.

E.—EXECUTION OF DECREES.

32. The following statement gives the details of execution of decree business in District Courts, for each of the past three years:—

Result of execution proceedings.

Year	Total number of applications for execution before the Courts	Transferred	Completely executed.	Partially executed.	Wholly infructuous	Total number disposed of	Percentage of cases completely executed to the number disposed of.	Average duration.	Value of money decree in execution.	Amount realized. Voluntarily	After issue but without execution of process.	After execution of coercive process	Percentage realised
									Rs.	Rs.	Rs.	Rs	
1889 ..	209,143	1,621	52,507	41,326	90,374	185,828	28	42	1,34,59,219	4,72,128	7,35,200	28,72,532	30
1890 .	205,899	1,405	51,240	39,935	90,188	182,858	28	41	1 30,39,226	4,14,350	10,73,632	30,08,878	32
1891 ...	210,792	1,815	51,040	44,153	90,591	187,705	27	40	1,43,30,309	4,89,913	7,57,664	29,02,473	29

Remarks on the above statement

33. There is a slight falling off in the proportion of decrees completely executed. The number of decrees partially executed has increased considerably in the year under report, while wholly infructuous applications are almost the same as in the three preceding years.

The average duration and the percentage of realizations have slightly fallen.

The percentages were—

	1889.	1890.	1891.
Completely executed	28·2	28·0	27·5
Partially executed	22·2	21 9	23·5
Wholly infructuous	48·6	49 3	48·3
Transferred	1·0	0·8	0·7

Wholly infructuous applications were most numerous in the following districts :—

Siálkot	8,182
Jullundur	6,614
Lahore	6,591
Amritsar	6,156
Gurdáspur	5,625
Gujránwála	5,507

These are all districts in which petty litigation is very heavy. Such applications were least numerous in—

Kulu	62
Simla	405
Kohát	409
Hazára	478
Gurgáon	665
Pesháwar	1,26

The percentage of cases completely executed stood highest in the following districts :—

Kulu	68	per cent.
Pesháwar	49	„
Bannu	40	„
Hazára	38	„

and lowest in—

Shahpur	19	„
Karnál	22	„
Hissár	22	„
Gujrát	22	„

The percentage realized was most satisfactory in the following districts :—

Kulu	57	per cent.
Ludhiána	42	„
Gujrát	41	„
Kángra	40	„

and least satisfactory in—

Karnál	15	„
Umballa	18	„
Hoshiárpur	22	„
Jhang	22	„

34. The following statement shows the processes resorted to for the execution of decrees in each of the last two years:—

Modes of coercion employed

	1890.	1891.
On which process was issued but not executed ...	51,290	57,277
„ which moveable property was attached but subsequently released	40,627	41,990
„ which moveable property was sold	8,367	10,514
„ which immoveable property was attached but subsequently released	7,427	7,286
„ which hereditary or joint acquired property in land was sold	46	30
„ which other immoveable property was sold ...	2,147	2,611
„ which action was taken under section 305 or section 306, Civil Procedure Code	603	457
„ which possession was given of moveable property	358	750
„ which possession was given of immoveable property	7,114	6,722
„ which specific performance was enforced ...	291	149
„ which partition was effected	108	88
„ which execution was effected otherwise than as above	36	20
„ which judgment-debtors were arrested but released without imprisonment	2,882	3,427
„ which judgment-debtors were imprisoned ...	513	362

35. The following table shows the modes of realization:—

Realization in money decrees

	Modes of realization	*Amount realized.*		*Percentage*	
		1890	1891.	1890.	1891.
		Rs.	Rs		
	Paid in voluntarily	4,14,350	4,89,913	9	12
Realized.	After issue but without execution of process	10,73,632	7,57,664	24	18
	By attachment only	21,72,027	22,55,006	49	54
	By sale	6,35,468	4,94,072	14	12
	By arrest only	1,46,045	1,27,372	3	3
	After imprisonment	55,333	26,023	1	1

Arrest and imprisonment.

36. The annexed statement gives details of the number of judgment-debtors arrested and imprisoned and of the terms of imprisonment:—

Year.	Number of judgment-debtors arrested.		Number of persons detained.			Average duration of detention in days.
	Released without imprisonment.	Imprisoned.	Up to one month.	Between one and three months.	Between three and six months.	
1889	4,951	445	219	128	77	41
1890	2,882	513	177	123	91	54
1891	3,427	362	216	87	69	52

The number of arrests has increased but cases of imprisonment have fallen largely. The action of the courts under this head seems to have been satisfactory.

Distribution of execution of decree work amongst the various grades of courts.

37. The following table shows the distribution of execution of decree work amongst the various grades of courts and the results obtained in each:—

Class of Court	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part.		Value of money decrees in execution.		Percentage realized.		Average duration	
	1890	1891.	1890	1891	1890	1891.	1890	1891	1890	1891
					Rs.	Rs				
Sadr Courts	22,232	21,781	50	51	60,70,888	59,16,855	30	26	50	53
Small Cause Courts	15,153	17,393	64	61	5,47,578	5,50,297	54	39	19	22
Tahsil Courts ..	7,349	7,723	56	69	2,35,763	2,18,472	37	40	30	35
Munsifs' Courts ..	138,237	135,956	47	40	67,68,602	74,28,888	32	30	40	41
Honorary Courts ...	4,887	4,852	55	59	3,16 384	2,06,837	28	33	31	36

F.—INSOLVENCY PROCEEDINGS.

Insolvency proceedings under the Civil Procedure Code

38. The annexed statement gives the number of applications for declaration of insolvency under the Code of Civil Procedure filed, disposed of, and pending at the close of the year and for the two preceding years:—

Year	Pending from previous year.	Filed.				Disposed of.	Pending.
		By judgment-debtors.		By decree-holders	Total for disposal.		
		Under arrest or imprisonment	Against whose property an order of attachment had been made.				
1889	78	35	262	2	377	284	93
1890	93	22	246	1	362	273	89
1891	89	11	299	12	411	323	88

39. The insolvency business was disposed of as follows:—

Manner of disposal.

		1890.	1891.
Transferred		...	...
Withdrawn or otherwise not prosecuted ...		103	123
Granted	A receiver not being appointed ...	37	33
	Ditto being appointed .	39	39
Rejected	Penal proceedings not being taken...	93	122
	Ditto being taken ...	1	1

The scheduled debts stood at Rs. 6,66,869, as compared with Rs. 6,50,033 in the preceding year, and of this sum 19 per cent was satisfied or disallowed during the year, as against 15 per cent in the preceding year. Receivers held Rs. 38,745, of which Rs. 27,935, or 72 per cent was disbursed during the year.

G.—ATTENDANCE OF WITNESSES.

40. The subjoined table gives particulars as to witnesses who attended the courts in original civil suits, during each of the past two years :—

Attendance of witnesses.

	Number.		Difference.	Percentage.	
	1890.	1891.		1890.	1891
Witnesses who appeared voluntarily ...	129,505	123,770	—5,735	34	32
Witnesses for whose appearance a summons was issued	254,967	262,686	+7,719	66	68
Total ...	384,472	386,456	+1,984	...	...

PART II.—SMALL CAUSE COURTS.

41. The annexed statement shows the original civil work for disposal by the District and Cantonment Small Cause Courts, and the manner of disposal, for each of the two past years :—

Original civil business of District and Cantonment Small Cause Courts.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of civil suits on the file.												Average duration.	
Court.	Pending from last year.	Instituted	Readmitted under sections 39 and 103, Act XIV of 1882 or the Small Cause Courts Act.	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest.	Total disposed of.	Pending at the end of the year.	Pending for more than three months at the close of the year	Percentage of contested cases.	Contested.	Uncontested.
District Small Cause Courts. 1890 .	883	14,087	237	...	15,207	1,676	9,313	3,335	14,326	881	82	23	22	16
1891 ...	881	14,367	237		15,485	1,743	9,304	3,452	14,499	986	25	23	20	17
Munsifs. 1891 ...	..	13,973	281	..	14,254	3,044	6,858	3,555	13,457	797	37	26	19	12
Cantonment Small Cause Courts. 1890 .	334	6,363	72	..	6,770	960	3,583	1,923	6,466	304	27	30	19	15
1891 ...	304	6,571	162	..	7,040	1,045	3,993	1,619	6,659	381	15	24	19	17

A letter has already been submitted, pointing out that the experiment of investing certain Munsifs with special Small Cause Court jurisdiction in selected tahsils, had, on the whole, been favourably reported on. Another year's experience is, however, necessary before a definite opinion can be formed. The matter is alluded to more fully in the Registrar's note (Appendix A).

Appointment of Registrars.

42. The Registrars of the Lahore, Amritsar, Delhi and Simla Small Cause Courts have disposed of a greater number of civil suits this year. The figures for the last two years are—

	1890.	1891.
Lahore	2,647	2,696
Amritsar	234	870
Delhi	727	1,238
Simla	243	491
Total ...	3,851	5,295

These results are satisfactory, most of the petty cases now fall to the Registrar and the Judge's time is devoted to more important work.

The following Judges of Small Cause Courts decided ordinary district cases, under their general powers, as noted opposite each court :—

Amritsar	20
Simla	74
Delhi	128

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Institution of appeals from decrees in District and Divisional Courts.

43. The following statement shows the number of appeals against decrees instituted in District and Divisional Courts during each of the past four years :—

1	2	3	4	5	6	7
Year.	*Number of appeals instituted.*			Total number of contested cases decided.	Total number of first appeals.	Percentage of first appeals to appealable orders
	In District Courts.	In Divisional Courts.	Total.			
1888	8,598	8,846	17,444	73,767	17,444	24
1889	9,593	7,660	17,253	71,120	17,253	24
1890	9,687	6,931	16,618	71,047	16,618	23
1891	8,557	6,676	15,233	66,545	15,233	23

Though the number of appeals has fallen, the percentage to contested cases remains the same. The fact that Munsifs disposed of over 13,000 cases in exercise of Small Cause Court jurisdiction, accounts for some of the reduction in the number of appeals to District Courts.

A.—APPELLATE WORK IN DISTRICT COURTS.

Work disposed of and pending; average duration.

44. The figures given below show, for District Courts, the number of appeals for disposal, disposed of, and pending, respectively, at the close of the year, with the average duration in days:—

Year.	Number of appeals.			Average duration of appeals.
	For disposal.	Disposed of.	Pending.	
1889 ...	10,520	9,567	953	27
1890 ...	10,640	9,659	981	32
1891 ..	9,538	8,843	695	30

Remarks on the above statement.

45. It is satisfactory to note that the pending file of civil appeals in District Courts, as well as average duration, was low. The largest amount of business was dealt with in the following courts:—

	Appeals.
Jullundur	778
Hoshiárpur	696
Ferozepore	530
Siálkot	518
Umballa	512

and the smallest in—

Simla	4
Kohát	55
Kulu	59
Gurgáon	63
Hazára	75

The average duration was highest in the following courts:—

	Days.
Jhang	58
Umballa	48
Ludhiána	40
Karnál	35

and lowest in—

Hazára	9
Gurdáspur	13
Dera Gházi Khan.	15
Rohtak	18

Manner of disposal of appeals.

46. The manner of disposal in each of the two past years, was as follows:—

	Percentage.	
	1890.	1891.
Transferred	0·4	0·2
Summarily rejected under section 551, Civil Procedure Code	18·6	19·0
Struck off for default or under section 557, Civil Procedure Code or otherwise not prosecuted	4·9	5·4
Order of lower court confirmed *ex parte*	2·1	2·2
„ „ after contest	36·9	37·1
„ „ modified	9·3	9·0
„ „ reversed	16·8	17·2
Remanded under section 562, Civil Procedure Code ...	11·0	9·9

47. The annexed statement gives details as to the value and cost of appeals, excluding cases transferred or re-admitted, in District Courts, with percentages of cost to value :—

Value and cost of appeals in District Courts

Scale of valuation.	Number of appeals		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs	Rs	Rs.	Rs.
Not exceeding Rs 10	923	234	6,075	1,430	2,203	536	6	6	2	2	37	37
„ „ 50	3,190	652	94,011	21,629	15,180	3,525	30	33	5	5	16	16
„ „ 100	1,701	352	1,26,997	25,280	17,147	3,883	71	72	9	11	13	15
„ „ 500	1,354	21	2,68,203	4,502	30,354	601	198	214	22	29	11	13
Appeals of which the value cannot be fixed.	1	13			1	132	...	.	1	10		...
Total 1891 .	7,265	1,272	4,95 346	52,841	64,975	8,677	68	42	9	7	13	16
Total 1890 ...	7,916	1,454	5,07,029	56,975	70,984	10,458	64	39	8	7	14	18

48. In addition to the appeals from decrees, there were 841 appeals from orders that came before the District Courts for disposal during the year 1891, as compared with 908 in 1890. Of these, 793 were disposed of and 48 left pending at the close of the year. The average duration was 26 days against 28 days, in the year 1890.

Miscellaneous appeals

B.—APPELLATE WORK OF DIVISIONAL COURTS.

49. The number of appeals from decrees pending from the previous year, the number instituted and disposed of during the year, and the number pending at the close of the year, in Divisional Courts, are given below for each of the past two years :—

Disposal of appeals from decrees in Divisional Courts

Year.	Pending from previous year.	Instituted, re-admitted, &c., during the year	Total for disposal.	Disposed of.	Pending at the close of the year.
1890	3,025	7,278	10,303	8,298	2,005
1891	2,005	7,023	9,028	7,551	1,477

Institutions and disposals show a falling off of 255 and 747 cases respectively, as compared with the year 1890. The pending file was reduced by 528 cases. A note by the Registrar on the working of Divisional Courts will be found in Appendix B. It may here be observed that arrangements are now in operation by which divisions in which the work is light take a share of the work of divisions in which the work is heavy. The business has been more equally adjusted generally, and the appointment of special officers as Additional Judges has been avoided for several months. The arrangement of divisions is not, however, altogether satisfactory, though it is not easy to suggest a better one, and the work is on the whole heavy.

50. The following statement gives details of the number of appeals instituted, decided and pending in regard to each civil division :—

Details of working in each division.

Division.	Pending from 1890.	Instituted, re-admitted and received by transfer during 1891.	Disposed of in 1891.	Pending at the close of the year 1891.
Delhi	90	471	489	72
Umballa (assisted by Jullundur)	214	676	779	111
Jullundur	40	372	362	50
Hoshiárpur (including Kulu)	133	821	820	134
Amritsar (assisted by Lahore)	306	792	787	311
Siálkot	43	475	452	66
Lahore	87	466	480	73
Ferozepore (assisted by Jullundur and a special officer).	359	580	797	142
Mooltan	193	427	424	196
Jhelum (assisted by Siálkot and a special officer).	246	758	900	104
Ráwalpindi	154	356	443	67
Deraját	84	487	484	87
Pesháwar	56	342	334	64
Total ...	2,005	7,023	7,551	1,477

51. The average duration of appeals in Divisional Courts has fallen from 117 days in the year 1890, to 89 days in the year 1891. The average duration was highest in the Amritsar (148 days), Ferozepore (143 days), and Mooltan (142 days), divisions, and lowest in Siálkot (43 days).

Average duration.

52. The following table shows how appeals were disposed of :—

Manner of disposal.

	Percentage.	
	1890.	1891.
Transferred, struck off for default and otherwise not prosecuted	5·4	5·0
Order of the lower court upheld	60·1	60·6
„ „ „ modified	6·4	7·2
„ „ „ reversed	20·0	20·3
Cases remanded under section 562, Civil Procedure Code	8·1	6·9

53. The following statement gives the value and cost of appeals disposed of by Divisional Courts, with percentages of cost to value :—

Value and cost of appeals in Divisional Courts.

Scale of valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits	In suits for money or moveable property	In other suits.	In suits for money or moveable property.	In other suits	In suits for money or moveable property.	In other suits	In suits for money or moveable property.	In other suits	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs. 10	2	952	18	4,068	7	5,088	9	5	3	5	39	102
„ „ 50	64	1,547	2,243	45,127	499	15,220	35	29	8	9	22	34
„ „ 100	81	877	6,645	64,275	1,008	15,943	82	73	12	18	15	25
„ „ 500	341	1,563	95,110	3,72,048	10,732	56,187	278	238	31	35	11	15
„ „ 1,000	204	156	1,36,179	1,09,035	17,516	14,637	667	798	85	96	12	13
„ „ 5,000	91	67	1,65,485	1,22 307	20,578	15,477	1,818	1 825	226	231	12	12
Appeals of which the value cannot be fixed.	68	1,173	...	...	1,555	34.371			23	29	..	.
Total ... 1891 . .	851	6,335	4,05,689	7,17,758	51,895	1,56,932	518	139	61	24	12	22
Total ... 1890 ...	908	7,020	4,84,567	6,94,174	53.528	1,54,463	510	121	59	22	12	22

54. The number of appeals from *orders*, for disposal before the Divisional Courts, has risen from 753 in 1890 to 789 in 1891. Of these, 721 were from orders under section 588 of the Code of Civil Procedure and 68 from other miscellaneous orders. Six hundred and seventy-one of these appeals were disposed of, leaving a pending file of 118 cases at the close of the year. The average duration was 64 days, against 86 days in 1890.

Miscellaneous appeals.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

55. The following figures give the institutions of civil business in the Chief Court for each of the last five years :—

Institution of civil business in the Chief Court.

Year.	Original civil suits.	Appeals from decrees.	Appeals from orders.	Applications for revision.	Miscellaneous cases.	
					References under sections 617 and 646 B of the Civil Procedure Code and sections 99 and 100 of the Tenancy Act.	Others.
1887	5	1,858	277	1,087	618	...
1888	4	2,104	271	1,189	89	744
1889	5	1,282	143	1,838	91	784
1890	5	1,357	198	1,713	108	631
1891	5	1,272	207	1,738	111	542
Difference in 1891 compared with 1890	...	−85	+9	+25	+3	−89

56. The following table shows the number of appeals from decrees and orders above and below Rs. 5,000 in value, respectively :—

Appeals from decrees and orders.

		1890.	1891.
Appeals from decrees.	First appeals (where value of suit is Rs. 5,000 or more) ...	65	76
	Further appeals (where the value is under Rs. 5,000) ...	1,184	1,101
Appeals from orders.	First appeals (where the value of the subject-matter is Rs. 5,000 or more, or from an order passed under a Special Act) ...	81	76
	Further appeals	116	126
Appeals on certificate of Divisional Judge		109	100

57. The following is a general statement of civil appellate work in the Chief Court, showing the institutions and disposals, with the manner of disposal of appeals from decrees and orders :—

General statement of civil appellate work.

1	2	3	4	5	6	7	8	9	10	11	12	13
Description of appeal.	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number of appeals disposed of.	Percentage of appeals. Transferred.	Dismissed for default.	Rejected.	Confirmed.	Modified.	Reversed.	Remanded.	Average duration.
First Appeals. From decrees ...	1890	65	208	117	3	11	9	37	10	27	3	584
From orders ...	1890	81	122	100	14	4	33	22	1	15	11	172
Total ...	1890	146	330	217	8	8	20	30	6	22	6	376
From decrees ...	1891	76	167	74	9	7	5	31	19	18	11	477
From orders ...	1891	76	98	56	4	5	30	11	5	18	27	130
Total ...	1891	152	265	130	7	6	16	22	13	18	18	328
Further Appeals. From decrees ...	1890	1,292	2,478	1,385	...	2	33	30	6	24	5	358
From orders ...	1890	117	138	90	1	2	49	16	1	14	17	130
Total ...	1890	1,409	2,616	1,475	...	2	34	29	6	23	6	342
From decrees ...	1891	1,196	2,289	1,130	...	3	30	31	6	24	6	327
From orders ...	1891	131	179	133	2	1	38	10	2	12	15	146
Total ...	1891	1,327	2,468	1,263	...	3	33	29	6	22	7	308
Grand Total ...	1890	1,555	2,946	1,692	1	3	32	29	6	23	6	346
	1891	1,479	2,733	1,393	1	3	32	28	6	22	8	310

Disposals were affected by the fact that for two working months one Judge was absent on leave.

58. Tables A and B show, in abstract form, the total appellate business for disposal and disposed of, including the pending file at the close of the year 1890, and details of the pending file as it stood on the 31st December 1891.

Appeals for disposal and disposed of; pending file.

A.—APPELLATE BUSINESS FOR DISPOSAL AND DISPOSED OF DURING THE YEAR 1891.

1	2	3	4	5	6	7	8
FOR DISPOSAL.			DISPOSED OF.				
Pending.	Instituted.	Total.	Rejected without summoning respondent.	By a single Judge after summoning respondent.	By a Bench after summoning respondent.	Pending at the close of the year.	Total.
1,254	1,479	2,733	454	200	739	1,340	2,733

B.—DETAIL OF PENDING FILE ON 31ST DECEMBER 1891, SHOWN ABOVE (COLUMN 7).

Appeals not admitted or rejected on 31st December 1891.	Appeals admitted to a Bench.	Appeals admitted to a single Judge.	Total pending.
319	921	100	1,340

59. The following table gives details of disposal of civil appeals for each of the last two years:—

Detail of disposal of civil appeals.

YEAR.	NUMBER OF APPEALS.			
	Rejected by a single Judge in Chambers.	*Decided in Court.*		Total.
		By a single Judge.	By a Bench.	
1890	582	259	851	1,692
1891	454	200	739	1,393

Further details as to disposal of civil appeals are given in the following table:—

YEAR.	CHAMBER WORK.					Number of appeals decided by Benches.
	Number of appeals.					
	Rejected at a preliminary hearing in Chambers.	Decided by a single Judge after notice to respondent.	Admitted to hearing before a Bench.	Admitted to hearing before a single Judge after notice.	Total.	
1890	582	259	716	258	1,815	851
1891	454	200	749	205	1,608	739

60. The pending file compared with previous years, was as follows :—

Pending file.

Year.	Number of appeals pending.			
	In Chambers.	Before Court.	Over three months.	More than a year.
1889	249	1,142	1,120	549
1890	248	1,006	1,012	365
1891	319	1,021	1,078	366

61. The following table gives details regarding the value and cost of appeals decided during the year :—

Value and cost of appeals.

Scale of valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs 10	...	21	...	128	...	217	...	6	...	10	...	170
„ „ 50	...	95	..	3,142	...	1,322	...	33	.	14	...	42
„ „ 100	...	103	..	8,723	...	1,833	..	85	...	18	..	21
„ „ 500	8	391	2,793	1,03,821	428	10,855	349	265	54	28	15	10
„ „ 1,000	7	212	5,707	1,65,129	506	10,018	815	779	72	47	8	6
„ „ 5 000	49	238	86,402	4,44,455	8,447	15,824	1,763	1 907	172	66	9	4
„ „ 10,000	20	26	1,38,763	1,73,308	11,239	8,822	6,938	6,665	565	362	8	5
„ „ 1,00,000	10	10	2,47,093	1,51,474	10,039	5,433	24,709	15,147	1,004	543	4	4
Exceeding „ 1,00,000	...	1	...	1,56,859	...	262	...	1,56,859	...	262	..	.
Appeals of which the value cannot be fixed	...	9	.	.		195	..	..	...	21	...	
Total ... 1891	94	1,101	4,80,758	12,07,039	30,659	54,781	5,114	1,106	326	49	6	4
Total ... 1890	164	1,332	5,75,016	16,53,264	35,319	68,798	3,506	1,269	215	52	6	4

62. The following statement gives details of the disposal of applications for revision, under section 622 of the Civil Procedure Code, for each of the last two years :—

Revision.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year.	For disposal.			Sent to a Bench.		Rejected in Chambers.		Dismissed by a Bench.		Order of lower Court		Remanded for fresh decision.	Total disposed of.	Pending at the end of the year.
	Pending from last year.	Instituted during the year.	Total.	Without calling for files.	After calling for files.	Without calling for files.	After calling for files.	In default.	On the merits.	Modified.	Reversed.			
1890 .	357	1,713	2,070	225	114	1,178	303	5	156	9	64	140	1,955	215
1891 .	215	1,738	1,953	124	95	1,044	307	2	58	11	31	107	1,560	393

63. Other civil business disposed of by the Chief Court, during each of the last two years, is shown below :—

Other civil business.

Description of suits.	1890.	1891
Original matrimonial cases	1	3
References under section 17, Act IV of 1869	2	1
Uncontested applications for probate and letters of administration	14	11
Contested do. do do. ...	...	...
References under section 617, Civil Procedure Code ...	16	7
Applications for review, for permission to appeal as a pauper, to stay execution of decree and other miscellaneous applications	699	723
Total ...	732	745

PART V.—GENERAL.

64. The annexed statement shows, for District Courts, the process serving establishment, the number of processes issued and the receipts and expenditure for 1890 and 1891 :—

Process serving establishment

Year.	Establishment.*				Number of processes issued.			Value of stamps for the service of processes filed during the year.	Total expenditure.
	Názirs.	Náib-Názirs.	European process servers.	Peons.	Civil.	Criminal.	Revenue.		
								Rs.	Rs.
1890	31	244	13	1,912	1,345,628	159,769	139,025	4,38,292	1,91,332
1891	62	307	13	1,954	1,422,710	177,366	133,482	4,64,862	2,14,414

In the Divisional Courts the sum of Rs. 6,781 was realized from process fees, while a sum of Rs. 3,214 was expended on the establishment and postage. In the Commissioners' Courts the sum of Rs. 888 was realized from process fees, while a sum of Rs 1,421 was expended on establishment and postage. In the Chief Court the sum of Rs. 3,733 was realized on account of process fees, of which a sum of Rs. 215 was expended on postage. The net profit to Government was Rs. 2,57,000 during the year 1891, as compared with Rs. 2,54,887 in the year 1890.

* Note.—The new scale of establishment has not been shown in detail.

65. The income for the last two years, in Divisional and District Courts, from fees for the inspection of records, and the expenditure under the same head, were as follows:—

Fees for inspection of records.

		Income derived from inspection fees.	Expenditure on establishment, &c., &c.	Balance credited to Record Office Fund.
		Rs.	Rs	Rs
Divisional Courts ...	1890 ...	8,697	5,008	3,689
	1891 ...	14,958	7,381	7,577
Difference ...		+6,261	+2,373	+3,888
District Courts	1890 ...	14,740	7,158	7,582
	1891 ...	9,772	5,657	4,115
Difference ...		−4,968	−1,501	−3,467

66. Divisional and District Judges have, in most divisions and districts, exercised sufficient supervision over subordinate courts, and many of these courts have been visited and inspected by controlling officers. The Judges of the Chief Court have not been able to visit and inspect any subordinate courts. The pressure of judicial work in all the superior courts is, however, so great that inspection work must of necessity be restricted to somewhat narrow limits.

Inspection of courts.

67. The Judges consider that on the whole the courts of the province have worked well.

Working of the courts.

68. The reports submitted from the following districts and divisions were carefully prepared and call for special notice:—

Divisional and District Reports noticed.

Districts.	*Divisions.*
Ludhiána.	Delhi.
Amritsar.	Umballa.
Mooltan.	Mooltan.
Shahpur.	Deraját.

The usual selections from divisional and district reports will be found in Appendix C.

I have the honor to be,

Sir,

Your most obedient servant,

E. W. PARKER,

Registrar, Chief Court, Punjab.

APPENDIX A. TO THE CIVIL REPORT FOR THE YEAR 1891.

NOTE BY THE REGISTRAR ON THE CIVIL WORK DONE BY ASSISTANT AND AXTRA ASSISTANT COMMISSIONERS, MUNSIFS AND TASHILDARS, DURING THE YEAR 1891, AND REMARKS ON LAND SUITS.

APPENDIX A.

Note by the Registrar on the Civil work done by Assistant and Extra Assistant Commissioners, Munsifs and Tahsildars, during the year 1891, and remarks on Land suits.

Amount of work disposed of.

I.—The total number of civil suits disposed of in the Province during 1891 was 255,689, as compared with 253,266 in the preceding year. Of these, there were, in each of the two past years :—

	1890.	1891.	Difference.
Small causes	213,998	217,308	+3,310
Land suits	22,098	21,125	— 973
Unclassed suits	17,170	17,256	+ 86

Classes of work and classes of courts.

II.—They were disposed of by the following courts :—

Class of Court.	Small Causes.			Land suits.			Unclassed suits.		
	1890.	1891.	Difference.	1890.	1891.	Difference.	1890.	1891.	Difference.
District Judges	482	347	−135	783	933	+150	1,122	1,060	−62
Sub-Judges	680	515	−165	1,390	1,099	−291	1,038	654	−384
Assistant and Extra Assistant Commissioners.	7,197	5,715	−1,482	8,425	10,206	+1,781	3,652	3,448	−204
Small Cause Courts (including certain Munsifs).	20,773	34,615	+13,842				..	..	...
Munsifs .	164,500	157,341	−7,219	6,931	1,454	−5,477	9,108	10,301	+1,193
Tahsil Courts .	10,049	8,104	−1,945	3,839	6,757	+2,918	1,677	1,330	−347
Honorary Civil Judges ...	10,257	10,671	+414	730	676	−54	573	463	−110

Improvements in distribution of work

III.—Thus Munsifs and Small Cause Courts (including certain Munsifs who were specially invested with these powers during the year) disposed of more "small causes" and fewer "land suits," while Assistant and Extra Assistant Commissioners and Tahsildárs disposed of fewer "small causes" and more "land suits." The object in view has, therefore, been very largely attained, and the state of things has improved vastly.

Small Cause Courts and Munsifs have done more of the petty litigation and less of the more important litigation of the Province, and this was the intention of Government.

Large proportion of small causes.

IV.—All but 38,381 cases out of 255,689, were "small causes." The latter represent 85 per cent of the work. Of course these cases include cases in the nature of "small causes," as defined in the Courts Act (as amended), of higher value than Rs. 1,000.

District and Sub-judge's original and appellate work.

V.—There were 3,788 civil suits of all kinds above Rs. 1,000 in value during the year 1891. Of this number 626 were "land suits" and 788 cases incapable of correct valuation. All these cases fell to the share of District and Sub-Judges, who disposed of—

Small causes	862
Land suits	2,032
Unclassed suits	1,714
Total	4,608

This was in addition to heavy appellate work. There are 37 officers with these powers so that each court has, on an average, 124 important civil suits to deal with. Thirty-one of these officers had to dispose of 8,843 civil appeals, so that they are fully worked.

The appellate work of District Judges and Sub-Judges is exceedingly heavy in some districts, notably in—

District.	*Number of appeals.* For disposal.	Disposed of.
Jullundur	778	756
Hoshiárpur	696	632
Ferozepore	530	520
Siálkot	518	481
Umballa	512	471

Assistant and Extra Assistant Commissioners (Munsifs, 1st class).

VI.—There were 3,989 civil suits of all kinds between Rs. 500 and Rs. 1,000 in value. Of these 1,530 were "land suits." There were also 4,519 "land suits" between Rs. 100 and Rs. 500 in value. Thus there were 8,508 cases representing the civil business which Assistant and Extra Assistant Commissioners exercising powers as Munsifs should deal with to the *exclusion* of *other* agencies. As many of these officers are in training and the present number of ordinary Munsifs cannot deal with all ordinary civil business, this agency should of course also dispose of a fair proportion of cases below Rs. 500 in value.

Assistant and Extra Assistant Commissioners disposed of 19,369 civil suits, of which 10,206 were land suits. The figures for three years are :—

1889	16,697 civil suits, of which	5,784	were land suits.
1890	19,274 „	8,425	„
1891	19,369 „	10,206	„

It would not be too much to expect an out-turn of 165 cases per annum for each officer of this class, or 20,625 cases, so that this agency might have disposed of 1,256 more cases. Still the improvement, as compared with the year 1889 and previous years, is very great, and the measures taken to impress upon Deputy Commissioners the importance of co-operating with District Judges in seeing that Assistant and Extra Assistant Commissioners do not neglect civil judicial work, have had a good effect.

In no district has the number of land suits disposed of by this agency during the year 1891 been inadequate.

Tahsíldárs

VII.—In past years it was pointed out that not only Assistant and Extra Assistant Commissioners but Tahsíldárs also shirked civil work, and that, where control was divided, the District Judge was not always supported by the Deputy Commissioner in his efforts to compel this agency to take up a fair amount of civil work. Tahsíldárs and Náib-Tahsíldárs exercising civil powers (Munsifs), numbered 129, and disposed of 16,191 civil suits. Of this number 6,757 were land suits.

This agency disposed of cases as below in the three past years :—

1889 ..	14,281 civil suits, of which	1,920	were land suits.
1890 ...	15,565 „ „	3,839	„
1891 ...	16,191 „ „	6,757	„

showing a great improvement.

There were 11,075 land suits of Rs. 100 or less in value, and Tahsíldárs might have dealt with *all* of them, and allowing 165 civil cases per officer per annum, they should have disposed of 21,285 civil suits of all kinds.

The work done by this agency is still 24 per cent below what it should be.

VIII.—The following table shows in detail the work done by these officers in each district :—

Work done by Tahsíldárs in each district

District	Number of Tahsíldárs.	Civil suits of all kinds disposed of by Tahsildars.		Land Suits disposed of by Tahsildars.	
		Number of cases.	Number per Tahsíldár per annum.	Number of cases.	Number per Tahsíldár per annum
Delhi	3	406	135	60	20
Gurgáon	5	693	138	19	4
Rohtak	4	103	26	89	22
Karnál	4	171	43	6	1
Umballa	6	236	39	161	27
Ludhiána	3	285	95	271	90
Simla	2	100	50	7	3
Jullundur	4	443	111	443	111
Hoshiárpur	4	753	188	745	186
Kángra	5	308	61	261	52
Kulu	2	836	418	63	31
Amritsar	3	299	99	299	99
Gurdáspur	4	285	71	233	58
Siálkot	5	860	172	680	136
Gujránwála	3	124	41	61	20
Lahore	4	407	101	220	57
Ferozepore	5	1,048	209	352	70
Hissár	5	758	151	94	19
Mooltan	5	1,349	269	74	15
Jhang	3	271	90	71	24
Montgomery	4	1,028	257	29	7
Muzaffargarh	3	316	105	115	38
Jhelum	4	299	74	273	68
Gujrát	3	463	154	236	7
Ráwalpindi	7	1,065	152	578	82
Shahpur	3	431	144	201	67
Dera Ismail Khan	6	803	134	106	17
Dera Gházi Khan	4	552	138	116	29
Bannu	4	645	161	343	86
Pesháwar	6	458	76	272	45
Hazára	3	283	94	254	84
Kohát	3	116	39	16	5
Total	129	16,191	125	6,757	52

IX.—In the following districts Tahsíldárs did little or no civil work :—

Comments on the above figures.

Rohtak	26	cases per Tahsíldár per annum.
Karnál	43	,, ,,
Umballa	39	,, ,,
Gujránwála	41	,, ,,
Kohát	39	,, ,,

No reasons are given for the inadequacy of the work done by this agency in these and some other districts. Settlement operations are not found to interfere with the small amount of civil judicial work required from a Tahsíldár, *viz.* 15 cases a month for 11 months in the year.

In the following districts they disposed of sufficient work:—

Hoshiárpur ...	188
Kulu ...	418
Siálkot ...	172
Ferozepore ...	209
Hissár ...	151
Mooltan ...	269
Montgomery ...	257
Gujrát ...	154
Ráwalpindi ...	152
Bannu ...	161

X.—These courts disposed of 21,158 civil suits as follows:—

District and Cantonment Small Cause Courts.

Court.		*For disposal.*	*Disposed of.*	*Pending.*
Delhi ...	...	3,951	3,698	253
Umballa ...	...	1,478	1,457	21
Simla ...	...	1,751	1,617	134
Jullundur ...	...	422	400	22
Amritsar ...	...	4,407	4,200	207
Siálkot ...	...	347	323	24
Lahore ...	...	6,359	5,907	452
Ferozepore	...	1,019	937	82
Mooltan ...	...	637	585	52
Ráwalpindi	...	1,260	1,168	92
Pesháwar ...	...	894	866	28
Total ... 1891	...	22,525	21,158	1,367
Total ... 1890	...	21,977	20,792	1,185

XI.—The experiment of investing selected Munsifs with Small Cause Court powers, within certain tahsíls, has been tried. The following officers exercised these powers during the year, and disposed of cases as shown in the last column:—

Munsifs with Small Cause Court powers.

Name.	Tahsíl.	District.	Period powers were exercised.	Number of cases disposed of.		
				Under Small Cause Court powers.	Under ordinary powers.	Total.
Bhai Sher Singh ...	Jullundur ...	Jullundur ...	10 months ...	1,296	668	1,964
Lála Atma Rám ...	Ludhiána ...	Ludhiána ...	Ditto ...	1,617	673	2,290
„ Shib Lál ...	Hoshiárpur ...	Hoshiárpur ...	Ditto ...	1,889	602	2,491
„ Kirpa Rám ...	Amritsar ...	Amritsar ...	Ditto ...	1,729	718	2,447
Pandit Brij Náth ...	Gurdáspur ...	Gurdáspur ...	Ditto ...	2,111	1,096	3,207
Lála Achhru Rám ...	Batala ...	do.	Ditto ...	2,819	948	3,767
Pandit Amar Náth ...	Ferozepore ...	Ferozepore ...	Ditto ...	917	932	1,849
Lála Kishen Lál ...	Mooltan ...	Mooltan ...	Ditto ...	1,079	1,113	2,192

XII.—The reports received on these courts are favourable, but it would not be advisable to extend the system without another year's trial even if a sufficient number of Munsifs could be recommended for powers of this character, which is doubtful. The system interferes with the free transfer of Munsifs on administrative grounds and, if continued, will result in a double list being maintained for purposes of powers and postings. It is doubtful whether any

Remarks on the experiment of investing certain Munsifs with Small Cause Court powers.

great advantage will be gained by continuing the system on a more extended scale ; it introduces an additional elêment of confusion into the law of appeal which country people cannot understand or appreciate; it puts final powers into the hands of a class of poorly paid judicial officers; and, unless officers are carefully selected and watched, tends to encourage a summary disposal of cases without full and proper enquiry into the merits. In these days of work at high pressure some judicial officers are apt to slur over their work in order to get it off their hands, and the Small Cause Court procedure gives a stimulus to this tendency where the officer exercising the powers is not exceptionally painstaking, conscientious and reliable. Once the system is introduced, existing officers must be utilized and the special selection of really suitable officers—already difficult—will become well nigh impossible. The system is not likely to be popular with the agricultural debtor class. It is remarkable that the reports received are as favorable as they are. The Government have already intimated that a final decision will not be arrived at as to the continuance and extension of the system, until the returns of another year have been received.

Munsifs.

XIII.—One hundred and eighty-eight thousand and sixty-three ordinary civil suits were instituted which Munsifs were competent to deal with. The number in 1890 was 196,022. There were also 11,075 (against 11,727) land suits of less than Rs. 100 in value, some of which fell to the share of Munsifs, though all should have been taken by Tahsíldárs. There were thus 199,138 (against 207,749) suits triable by Munsifs. Tahsíldárs took 16,191 of these and might have taken 21,285.

The 84 Munsífs disposed of 182,553, or an average of 2,173 per Munsif. In the year 1890 the figures were—83 Munsifs, 180,599 cases or 2,175 cases per officer.

As an average out-turn for 84 officers even the present figures are high, for besides actually disposing of the original cases, execution of decrees and investigations on remands from appellate courts, represent a large amount of hard work. Indeed, if the cases are to be properly decided and execution work is to receive the care and attention which the Government and Judges deem desirable, the present average out-turn of original work must be regarded as somewhat too high. Many of the unclassed suits involve full investigations in regard to rights in immoveable property, and this fact is not always given sufficient consideration. Ten thousand three hundred and one unclassed suits were tried by Munsifs during the year.

In the Umballa and Gujrát districts Munsifs were called upon to decide too many land suits, *viz.*, 71 and 120 per officer, but there has been an enormous improvement in this respect throughout the Province, and the bulk of this important class of work is now placed on the proper shoulders. Notwithstanding this, however, the Munsif agency disposed of 1,454 land suits.

Thus 11,755, or 7 per cent, of the cases tried by Munsifs were other than small causes.

Statement A referred to, showing work done by each Munsif in detail

XIV.—Statement A shows the work done by each Munsif, during each of the past six years, in detail.

The following Munsifs did an insufficient amount of work :—

	Cases.
Umballa	842
Fatehjang	1,206
Fázilpur	1,061
Kohát	1,058

Munsifs were overworked in—

	Cases.		*Cases.*
Karnál	2,729	Wazírabad	3,372
Umballa	2,571	Háfizabad	3,182
Hissár	2,513	Jhang	2,552
Tarn Táran ...	2,583	Chiniot	2,767
Gurdáspur	3,207	Muzaffargarh	2,898
Batala	3,767	Alipur	3,303
Shakargarh	2,828	Ráwalpindi	2,617
Pasrúr	2,700	Gujrát	2,516
Zaffarwál	2,566	Dinga	3,116
Gujránwala	2,727	Bhakkar	2,591

XV.—The average number of cases disposed of per Munsif per district was as follows :—

Average number of cases per Munsif per district.

	Cases.		*Cases.*
Delhi	2,001	Hissár	2,513
Gurgáon *cum* Jhajjar ...	1,107	Mooltan	2,104
Rohtak (excluding Jhajjar) ...	2,372	Jhang	2,659
Karnál	2,729	Montgomery	2,119
Umballa	1,796	Muzaffargarh	3,100
Ludhiána	1,899	Jhelum	1,778
Jullundur	1,900	Gujrát	2,677
Hoshiárpur	1,998	Shahpur	1,953
Kángra	2,065	Ráwalpindi	2,089
Amritsar	2,257	Dera Ismail Khan	2,508
Gurdáspur	2,734	Dera Gházi Khan	1,402
Siálkot	2,522	Bannu	1,863
Gujránwála	3,094	Pesháwar	1,805
Lahore	2,223	Hazára	1,962
Ferozepore	1,895	Kohát	1,058

The following Munsifs were employed for short periods at points of pressure and are not included in the above figures :—

			Cases.
Siálkot,	1 Munsif for	92 days	421
Gujránwála,	do.	195 do.	1,393
Jhang,	do.	184 do.	961
Muzaffargarh,	do.	43 do.	158
Ráwalpindi,	do.	3 months and 26 days ...	559
Murree	do.	2 do. 19 do. ...	424
	Total 2 Munsifs for 12 months ...		... 3,916
	Average		... 1,958

XVI.—The pressure is very heavy in the following districts :—

Remarks.

	Average number of cases.
Muzaffargarh	3,100
Gujránwála	3,094
Gurdáspur	2,734
Karnál	2,729
Siálkot	2,522
Hissár	2,513
Jhang	2,659
Gujrát	2,677
Dera Ismail Khan	2,508

Insufficient work is done by Munsifs in—

Gurgáon *cum* Jhajjar	1,107
Kohát	1,058
Dera Gházi Khan	1,402
Umballa	1,796
Jhelum	1,778

Arrangements will be made to readjust matters as far as possible. Meanwhile it is evident that more than 84 Munsifs are really required to cope with the work completely and satisfactorily. It is impossible to do without a Munsif in any of the districts last named, and while an additional Munsif has now been supplied to Gujránwála and the Mooltan Division, two more are urgently needed for Siálkot and Gurdáspur, and a third to move to points of pressure in some other districts.

DATED LAHORE:
The 30th March 1892.

E. W. PARKER,
Registrar.

STATEMENT A.

Number of cases disposed of by each Munsif's Court during each of the years 1886 *to* 1891.

District.	Munsif's Court.	Number of cases disposed of in					Number of cases disposed of during the year 1891.				Remarks.
		1886.	1887.	1888.	1889.	1890.	Small causes.	Land suits.	Unclassed suits.	Total.	
Delhi	Delhi ...	1,791	1,816	2,016	1,960	1,829	1,938	...	63	2,001	
Gurgáon	Rewári	...	.	37	310	318	815	5	18	838	See Jhajjar.
Rohtak	Rohtak	1,605	1,308	1,940	1,988	1,697	2,279	8	90	2,372	
	Jhajjar	1,648	1,198	1,934	953	974	1,341	1	35	1,377	See Rewári.
Karnál	Karnál	1,870	1,826	2,147	1,934	1,683	2,687	1	41	2,729	
Umballa ...	Umballa	2,421	2,370	2,112	2,132	1,015	475	267	100	842	
	Do. . ..	...	.	.	74	2,096	2,556		15	2,571	
	Jagádhri .	2,095	2,892	3,060	2,733	2,088	2,093	3	5	2,101	
	Rúpar . .	2,109	2,192	2,147	2,330	2,025	1,801	15	153	1,969	
Ludhiana ...	Ludhiána . .	1,913	1,996	6,383	1,800	1,604	515	...	158	673	+ 1,617 Small Cause Court cases
	Do. ..	1,697	1,851		1,758	1,784	1,150		125	1,275	
	Jagráon ...	2,221	2,192		1,980	2,158	1,929	2	252	2,183	
	Samrála	1,961	2,027		1,098	1,678	1,663	4	181	1,848	
Jullundur ...	Jullundur ...	1,655	1,787	1,609	2,130	1,400	1,490	2	230	1,728	
	Do. ...	1,770	1,745	1,703	1,806	1,731	1,804	..	213	1,607	
	Do.	1,929	1,836	1,968	1,111	1,949	515		153	668	+ 1,206 Small Cause Court cases.
	Nakodar	1,909	2,236	2,040	2,192	2,223	1,905	..	118	1,923	
	Phillour	1,864	1,716	2,204	2,127	2,177	1,921	1	147	2,069	
	Nawashahr	1,798	1,968	1,653	1,620	1,817	1,938	1	170	2,109	
	Banga ...	1,997	2,011	1,931	2,020	334	...	...		.	
Hoshiárpur	Hoshiárpur	1,825	1,436	1,254	2,030	2,015	558	...	44	602	+ 1,889 Small Cause Court cases.
	Do.	1,800	1,665	1,626	2,557	873	..	...	...	...	
	Do.	2,035	2,320	2,474		1,870	1,253	15	226	1,493	
	Dasuya .	2,179	2,286	2,182	2,447	2,459	2,120	.	155	2,275	
	Unah	1,971	1,854	1,930	1,601	1,994	2,161	...	66	2,236	
	Garhshankar ...	2,555	2,343	2,028	2,440	2,000	1,661	29	139	1,829	
	Tánda ...	2,256	2,189	2,160	2,309	2,310	1,517	...	156	1,673	
Kángra ..	Kángra	2,156	1,966	2,069	2,166	1,991	2,236	16	120	2,362	
	Do. (Dehra) ...		...	431	1,996	1,737	1,702	29	37	1,768	
Amritsar	Amritsar	1,554	1,738	1,772	1,908	1,713	1,432	48	383	1,863	
	Do. ...	1,513	1,711	2,470	1,833	1,707	511	21	188	719	+ 1,739 Small Cause Court cases.
	Do	1,676	1,569	2,086	1,787	1,851	1,754	38	320	2,112	
	Tarn Táran	2,074	2,310	2,119	4,071	2,448	2,371	29	183	2,583	
	Ajnála	2,167	2,362	2,576	2,031	2,380	2,120	8	152	2,280	
Gurdáspur ...	Gurdáspur	2,325	2,235	2,711	2,547	2,505	971	...	125	1,096	+ 2,111 Small Cause Court cases.
	Batála	2,619	2,029	2,981	3,814	3,113	885	...	63	948	+ 2,819 Small Cause Court cases.
	Do. .. .	2,488	2,947	3,140	2,994	3,114	1,511	.	189	1,700	
	Shakargarh ...	2,393	2,213	2,947	3,303	3,188	2,713	1	114	2,828	
	Pathánkot	2,392	2,561	2,653	2,331	2,302	1,966	...	105	2,071	
Siálkot ...	Siálkot ...	1,947	2,359	2,130	2,159	1,934	1,911	29	287	2,227	
	Do. .. .	2,210	2,901	2,354	2,443	2,291	2,060	..	159	2,219	
	Do. Additional ...	...	.	...	...	...	359	...	62	421	
	Daska .	2,114	2,572	2,779	2,502	2,106	2,056	2	129	2,187	
	Pasrúr	2,001	2,845	3,132	2,477	2,202	2,507	3	191	2,700	
	Zaffarwál	1,754	2,427	2,583	2,857	2,219	2,428	9	131	2,568	
	Raya ...	1,517	2,892	3,180	3,239	2,631	2,335	10	90	2,435	
Gujránwála ...	Gujránwála	2,797	3,315	3,276	2,971	3,209	2,627	..	100	2,727	
	Do. Additional	...	...	..	...	...	1,342		51	1,393	
	Wazírabad ...	2,612	2,794	2,983	3,218	3,240	3,223	...	149	3,372	
	Háfizabad ...	2,038	2,560	2,766	3,106	2,662	3,081	..	131	3,182	

STATEMENT A—*concluded.*

District.	Munsif's Court.	Number of cases disposed of in					Number of cases disposed during the year 1891.				Remarks.
		1886.	1887.	1888.	1889.	1890.	Small causes.	Land suits.	Unclassed suits.	Total.	
Lahore	Lahore	1,677	1,792	1,831	2,056	1,921	1,862	...	337	2,199	
	Kasúr	2,264	2,460	2,891	2,639	2,701	2,338	...	91	2,429	
	Chunián	1,761	1,873	2,419	2,056	1,977	1,958	1	45	2,004	
	Sharakpur	1,909	2,377	2,664	2,618	2,383	2,063	96	102	2,259	
Ferozepore ...	Ferozepore	2,386	2,574	2,661	2,661	1,217	804	10	118	932	+ 917 Small Cause Court cases
	Do.	...	...	...	486	2,126	1,264	31	104	1,399	
	Moga	2,224	1,892	2,651	2,263	1,765	1,767	14	218	1,999	
	Zira	2,696	2,685	2,620	2,686	2,567	2,319	17	107	2,343	
Hissár	Hissár	2,342	1,557	1,950	1,449	2,290	2,203	...	310	2,513	
Mooltan	Mooltan	2,735	2,251	2,646	2,726	2,361	1,101	...	12	1,113	+ 1,079 Small Cause Court cases
	Do.	2,582	2,834	2,613	2,686	2,392	2,000	...	17	2,017	
Jhang	Jhang	2,661	2,878	3,226	3,336	3,002	2,314	2	236	2,552	
	Do. Additional ...	...	...	...	...	...	952	...	9	961	
	Chiniot	1,482	1,915	2,880	2,653	2,442	2,725	2	40	2,767	
Montgomery ...	Montgomery ...	2,944	3,029	3,044	3,026	2,193	2,005	...	54	2,119	
Muzaffargarh ...	Muzaffargarh ...	3,754	2,369	1,650	1,401	3,038	2,802	...	6	2,808	
	Do. Additional ...	...	1,853	1,908	2,181	...	157	...	1	158	
	Alipur	2,723	2,540	2,529	2,120	3,570	3,290	...	4	3,303	
Ráwalpindi ...	Ráwalpindi	2,043	1,932	2,037	1,759	1,928	520	...	30	559	
	Do.	1,819	1,835	1,842	2,581	2,400	2,490	2	135	2,017	
	Fatteh Jang	1,158	1,532	1,506	1,552	1,500	1,044	86	76	1,206	
	Gujar Khan	1,703	1,754	2,034	2,115	2,502	2,308	19	116	2,443	
	Murree	...	...	...	...	...	418	...	9	424	
Jhelum	Jhelum	1,201	1,325	1,053	1,208	1,830	1,412	15	169	1,596	
	Pind Dádan Khan ...	1,983	1,995	2,040	2,048	2,280	1,455	10	61	1,526	
	Chakwál	1,955	1,831	2,088	2,375	2,455	1,931	4	177	2,112	
Gujrát ...	Gujrát	2,034	2,038	2,176	2,186	2,472	2,314	96	106	2,516	
	Jalálpur	2,657	3,177	2,771	2,429	2,954	2,091	202	107	2,400	
	Dinga	2,351	2,004	2,316	2,351	2,720	2,836	64	216	3,116	
Shahpur	Shahpur	2,209	2,709	2,277	2,654	2,947	2,075	1	87	2,163	
	Bhera	2,525	2,545	2,243	2,367	2,638	1,647	6	91	1,744	
D. Ismail Khan	D. Ismail Khan ...	1,825	2,048	2,041	2,107	2,078	2,412	...	14	2,426	
	Bhakkar (Karor) ...	2,472	2,771	2,679	2,561	2,660	2,550	...	41	2,591	
D. Gházi Khan	D. Gházi Khan ...	1,960	1,924	1,910	2,005	1,682	1,704	2	38	1,744	
	Jámpur-Fázilpur ...	1,435	1,750	1,909	1,703	1,829	1,024	13	23	1,061	
Bannu	Bannu	2,030	1,982	2,115	1,597	1,554	1,830	5	55	1,890	
	Miánwáli	1,926	1,404	1,482	1,330	1,671	1,721	...	116	1,837	
Peshawar ...	Peshawar	2,242	2,421	2,442	2,037	1,907	2,191	1	10	2,202	
	Mardán	1,265	1,382	1,739	1,414	1,474	1,320	23	60	1,403	
Hazára	Haripur	1,730	1,417	1,580	1,897	2,186	1,607	141	124	1,932	
Kohát	Kohát	1,262	1,238	1,312	1,373	1,153	1,043	...	15	1,058	
	Total of Munsifs' work	...	...	...	...	180,599	137,341	1,454	10,304	149,099	+ 12,457 Small Cause Court cases.
	Total of all other Courts	...	...	...	...	72,667	59,937	19,671	6,955	86,539	
	Grand Total ...	...	...	...	...	253,266	217,308	21,125	17,259	255,638	

STATEMENT B.

Land Suits disposed of during the year 1891.

District.	District Judges.	Sub-Judges with appellate powers.	Assistant and Extra Assistant Commissioners.	Munsifs.	Tahsildars.	Honorary Judges.	Total
Delhi	23	...	62	...	60	118	263
Gurgáon	...	64	94	5	19	...	182
Rohtak	...	86	192	4	80	...	371
Karnál	...	118	30	1	6	1	156
Umballa	11	...	146	285	161	125	728
Ludhiána	14	...	448	6	271	22	761
Simla	4	...	2	...	7	...	13
Jullundur	35	...	826	4	443	...	1,308
Hoshiárpur	21	26	970	44	745	...	1,806
Kángra	58	...	188	45	261	37	589
Kulu	17	...	...	...	63		81
Amritsar	21	...	745	144	299	...	1,209
Gurdáspur	54	9	817	1	233	...	1,114
Siálkot	7	95	716	52	680	2	1,552
Gujránwála	51	55	331	...	61	17	515
Lahore	69	...	260	95	229	141	803
Ferozepore	79	...	481	72	352	132	1,116
Hissár	...	96	356	...	94	...	546
Mooltan	88	3	207	...	74	...	372
Jhang	...	38	192	4	71	1	306
Montgomery	...	57	53	...	20	...	130
Muzaffargarh	1	43	228	...	15	...	287
Jhelum	40	4	359	20	273	...	705
Gujrát	...	74	524	362	236	...	1,196
Shahpur	8	48	252	7	201	9	525
Ráwalpindi	41	128	325	107	578	...	1,179
Dera Ismail Khan	54	...	408	...	106	15	583
Dera Gházi Khan	15	3	199	17	116	34	384
Bannú	20	128	281	5	343	3	780
Pesháwar	102	...	165	24	272	...	563
Hazára	1	15	162	141	254	16	589
Kohát	...	9	178	...	16	2	205
Total ... 1891 ...	933	1,090	10,206	1,454	6,757	676	1,1252
Total ... 1890 ...	783	1,390	8,425	6,931	3839	730	22,098

APPENDIX B. TO THE CIVIL REPORT FOR THE YEAR 1891.

NOTE BY THE REGISTRAR ON THE WORKING OF DIVISIONAL AND SESSIONS COURTS.

APPENDIX B.

Note by the Registrar on the working of Divisional and Sessions Courts.

I. The Divisional and Sessions Courts have worked satisfactorily throughout the past year. The system of requiring the judge of a court in which the work was light, to assist a neighbouring court in which the business was excessive, has answered admirably, and no demands have recently been made upon the Government for the appointment of any special officers to reduce arrears in any division.

Equalization of work in certain divisions.

The arrangements made from time to time were as follows:—

Messrs. Beachcroft, Rivaz and W. O. Clark acted as special Additional Judges, for short periods, in the Jhelum, Hoshiarpore and Ferozepore divisions, respectively.

The Divisional Judge of Jullundur acted as Additional Divisional Judge of Ferozepore for one month. A special officer was put in as Additional Divisional Judge of the Ferozepore division from the 23th November 1890 to the 9th March 1891.

On being relieved of work from Ferozepore, the Judge of the Jullundur division was appointed Additional Divisional Judge of the Umballa division, and so acted from the 1st February 1891 to the 29th February 1892. When the arrears of the Umballa division had been reduced, the Jullundur Judge was appointed Additional Divisional Judge of the Amritsar divisional court. This took effect from the 1st March 1892.

The Judge of the Lahore divisional court was able to assist the Amritsar divisional court, as Additional Divisional Judge from the 3rd July 1890 to the 29th February 1892, and, when relieved of these duties by the Judge of the Jullundur division, was appointed to assist the Judge of the Mooltan division in the same manner, with effect from 1st March 1892.

The Shahpur district, which had been attached to the Ráwalpindi division for a time (from 1st May 1889 to 31st July 1890) was retransferred to the Jhelum division on the 1st August 1890 and, thereafter, assistance was given to the Jhelum division, at first, by appointing the Divisional Judge, Ráwalpindi, to be Additional Divisional Judge, Jhelum, (from the 1st August 1890 to the 28th February 1891); then a special officer was put in as Additional Divisional Judge of the Jhelum division from the 2nd March to the 28th April 1891, and subsequently the Sessions Judge of Rawalpindi was appointed Additional Sessions Judge of the Jhelum division, and the Divisional Judge of Siálkot, Additional Divisional Judge of the Jhelum division. This arrangement took effect on the 1st June 1891.

In each instance, the Additional Judge sat for civil business at his own divisional head-quarters and steps were taken to have only appeals from convenient localities sent out of the division for trial. Thus the Jullundur court relieved the Umballa court of appeals from the adjoining district of Ludhiana, and now takes certain appeals from the Amritsar district; the Lahore court took appeals from the Amritsar district, and now takes them from the adjoining district of Montgomery. The Sialkot court relieves the Jhelum court of some of the appeals from the Gujrát district.

In regard to Sessions cases the Ráwalpindi court has held an occasional Sessions at Jhelum to relieve the latter court.

II. The result is that work has been more equally distributed and, with the exception of the Amritsar court, no arrears exist anywhere and pending files are all of reasonable proportions.

Results of arrangements.

This will be seen from the following tables, which show the figures for two years under the three main heads of business:—

A.—Sessions Cases.

Division	Pending		Instituted.		Total for disposal.		Disposed of		Pending.	
	1890	1891.	1890.	1891	1890	1891	1890	1891	1890	1891.
Delhi	2	2	39	41	41	43	37	40	4	3
Umballa	7	7	28	38	35	45	28	43	7	2
Jullundur	...	...	9	15	9	15	9	11	...	4
Hoshiárpore	2	4	12	10	14	14	10	14	4	...
Amritsar	10	7	21	36	31	43	25	40	6	3
Siálkot	1	...	20	21	21	21	21	21	...	...
Lahore	1	4	24	17	25	21	21	18	4	3
Ferozepore	3	4	25	19	28	23	24	22	4	1
Mooltan	3	2	31	51	34	53	32	52	2	1
Jhelum	2	3	28	46	30	49	27	39	3	10
Ráwalpindi	2	1	50	48	52	49	51	36	1	13
Deraját	4	12	33	46	37	58	25	45	12	13
Pesháwar	2	5	70	54	72	59	67	54	5	5
Total ...	39	51	390	442	429	493	377	435	52	58

B.—Criminal Appeals.

Division	Pending.		Instituted		Total for disposal		Disposed of		Pending.	
	1890	1891	1890	1891	1890	1891	1890	1891	1890	1891.
Delhi	4	12	590	558	594	570	582	568	12	2
Umballa	9	22	512	486	521	508	499	490	22	18
Jullundur	1	6	152	126	153	132	147	130	6	2
Hoshiárpur	8	8	206	187	214	195	206	191	8	4
Amritsar	...	11	324	433	324	444	313	434	11	10
Siálkot	10	...	305	524	315	524	315	520	...	4
Lahore	5	11	374	403	379	414	368	406	11	8
Ferozepore	29	20	459	445	488	465	468	450	20	15
Mooltan	22	12	840	871	862	883	850	869	12	14
Jhelum	7	5	547	546	554	551	549	543	5	8
Ráwalpindi	15	5	219	255	234	260	229	252	5	8
Deraját	16	5	718	677	734	682	729	670	5	12
Pesháwar	8	30	298	364	306	394	276	388	30	6
Total ...	134	147	5,544	5,875	5,678	6,022	5,531	5,911	147	111

C.—Civil Appeals.

Division.	Pending.		Instituted.		Total for disposal.		Disposed of		Pending.	
	1890.	1891	1890	1891	1890	1891	1890.	1891	1890	1891.
Delhi ...	134	90	522	490	656	580	566	506	90	74
Umballa ...	195	222	829	715	1,024	937	802	819	222	118
Jullundur ...	116	45	515	439	631	484	586	425	45	59
Hoshiárpur ...	110	130	931	819	1,041	949	911	811	130	138
Amritsar ...	675	327	784	908	1,459	1,235	1,132	892	327	343
Siálkot ...	96	44	547	513	643	557	599	487	44	70
Lahore ...	87	95	450	519	537	614	442	536	95	78
Ferozepore ...	499	375	649	635	1,148	1,010	773	859	375	151
Mooltan ..	255	202	409	461	664	663	462	458	202	205
Jhelum ...	516	260	772	883	1,288	1,098	1,028	981	260	117
Ráwalpindi ...	216	176	442	427	658	603	482	523	176	80
Deraját ...	260	86	551	538	811	624	725	533	86	91
Peshâwar ...	11	71	474	367	485	438	414	368	71	70
Total ...	3,170	2,123	7,875	7,669	11,045	9,792	8,922	8,198	2,123	1,594

III. As regards Sessions cases there were in—

Sessions cases.

	For disposal.	*Disposed of.*	*Pending.*
1889	448	408	40
1890	429	377	52
1891	493	435	58

Work was thus heavier but was satisfactorily dealt with.

Pending files were high at the close of the year in the—

Ráwalpindi division	13
Deraját „	13
Jhelum „	10

Disposals did not equal institutions in the—

	Instituted.	*Disposed of.*	*Difference.*
Delhi division	41	40	— 1
Deraját „	46	45	— 1
Ráwalpindi „	48	36	— 12
Jhelum „ ...	46	39	— 7
Jullundur „	15	11	— 4

owing chiefly to numerous committals at the close of the year.

Sessions work was heavy in eight divisions, namely :—

	Cases.
Peshâwar	59
Deraját	58
Mooltan	53
Jhelum	49
Ráwalpindi	49
Umballa	45
Delhi	43
Amritsar	43

and represented from six to eight days' work in each month. The average number of cases for disposal per division was 38 and the number disposed of 33.

IV. Criminal appellate business rose somewhat. The following table gives the figures for each of the past three years :—

Criminal appellate business.

	For disposal.	*Disposed of.*	*Pending.*
1889	5,699	5,565	134
1890	5,678	5,531	147
1891	6,022	5,911	111

The work though heavier than in the preceding year has been kept under.

The averages per division were—

	For disposal.	*Disposed of.*
1889	438	428
1890	437	426
1891	463	455

The divisions in which such work was heaviest were—

Mooltan	883
Deraját	682

and those in which it was lightest were—

Jullundur	132
Hoshiárpur	195

This class of work represents from two days' work in each month in the latter divisions to eight or more in Mooltan. The total figures represent about five days' work per court per month.

V. There were 162 criminal references, against 243 in the preceding year. Including pending cases 168 were disposed of.

Criminal references.

VI. Civil appellate work has fallen slightly.

Civil appeals

There were 9,817 civil appeals for disposal by divisional courts in the year 1891, against 11,056 in 1890 and 12,438 in 1889. Of the number for disposal, 2,127 represent the pending file. Institutions stood at—

			Less
8,831	in	1889	
7,885	in	1890	—946
7,690	in	1891	—195

The great difference in 1890 marks the change in the law which threw more appeals on district courts and relieved divisional courts.

Disposals were 8,222 in the year 1891, as compared with 8,929 in the preceding year. Disposals exceeded institutions by 532 cases. Special officers disposed of 243 of these, as follows :—

Mr. Beachcroft, Addl. Dl. Judge,		Jhelum ...	89
Mr Rivaz	„	Hoshiárpur	24
Mr. W. O. Clark	„	Ferozepore	130-243

Permanent courts dealt with the remainder, but, under the arrangements pointed out in the opening paragraphs of this note, assistance was rendered as follows :—

	Cases.
The Divisional Judge, Jullundur, as Additional Divisional Judge, Umballa, did	294
„ Divisional Judge, Lahore, as Additional Divisional Judge, Amritsar, did	271
„ Divisional Judge, Rawalpindi, as Additional Divisional Judge, Jhelum, did	85
„ Divisional Judge Sialkot as Additional Divisional Judge, Jhelum did	43

The thirteen permanent Judges disposed of 7,979 civil appeals, or 289 more than the number instituted.

Original civil suits.

VII. There were only 8 original civil suits pending in divisional courts; 70 were instituted; and 64 were disposed of. Of these—

32 were in the Siálkot division
9 " Mooltan "
5 " Delhi "

Comparison of work in each divisional court.

VIII. The three main heads of work only need be considered in comparing the work in the various divisions. To reduce the work to a common denomination, for purposes of comparison, it has been usual to take—

1 sessions case as representing about ... 6 civil appeals.
3 criminal appeals as representing ... 1 "

The following statements show the institutions and disposals in each division, reduced to a common denomination:—

A.—Institutions, 1891.

Division.	Sessions cases.	Criminal appeals.	Civil appeals.	Reduced to a common denomination, 1891.	Provincial average + or — in 1891.
Delhi	41	558	490	926	945— 19
Umballa	38	486	715	1,105	945+160
Jullundur	15	126	439	571	945—374
Hoshiárpur	10	187	819	941	945— 4
Amritsar	36	433	908	1,266	945+321
Siálkot	21	524	513	813	945—132
Lahore	17	403	519	755	945—190
Ferozepore	19	445	635	897	945— 48
Mooltan	51	871	461	1,057	945—112
Jhelum	46	546	838	1,296	945+351
Ráwalpindi	48	255	427	800	945—145
Deraját	46	677	538	1,040	945+ 95
Peshawar	54	364	367	812	945—133
For the year ...	442	5,875	7,669	12,279	
Per court ...	34	452	590	945	

B.—Disposals, 1891.

Division.	Sessions cases.	Criminal appeals.	Civil appeals.	Reduced to common denomination, 1891.	Provincial average + or—in 1891.
Delhi ...	40	568	506	935	983—48
Umballa ...	43	490	819	1,240	983+257
Jullundur ...	11	130	425	534	983—449
Hoshiárpur ...	14	191	811	959	983— 24
Amritsar ...	40	434	892	1,276	983+293
Siálkot ...	21	520	487	786	983—197
Lahore ...	18	406	536	779	983—204
Ferozepore ...	22	450	859	1,141	983+158
Mooltan ...	52	869	458	1,064	983+ 81
Jhelum ...	39	543	981	1,396	983+413
Ráwalpindi ...	36	252	523	823	983—160
Deraját ...	45	670	533	1,026	983+ 43
Peshawar ...	54	388	368	821	983—162
For the year ...	435	5,911	8,198	12,780	
Per court ...	33	455	630	983	

General remarks.

IX. The courts had an average income of 34 sessions cases, 452 criminal appeals, and 590 civil appeals, representing roughly 945 civil appeals per court. They disposed of, on an average, 33 sessions cases, 455 criminal appeals and 630 civil appeals, representing 983 civil appeals, less proportion disposed of by special officers = 963.

The thirteen courts are, therefore, just able to cope with the total work of the Province, but in some courts the pressure is exceedingly heavy.

The following divisions are considerably above the average as regards the quantity of work:—

	Cases disposed of.
Jhelum	+413
Amritsar	+293
Umballa	+257
Ferozepore	+158

and relief has to be afforded them either permanently or from time to time.

The following divisions are below the average as to quantity of work:—

	Cases disposed of.
Jullundur	−449
Lahore	−204
Siálkot	−197
Ráwalpindi	−160
Pesháwar	−162

The four first named divisions are therefore being made to relieve the overworked divisions.

The remaining four divisions, namely,—

Hoshiárpur,
Deraját,
Pesháwar,
Delhi,

can cope with the work coming before them.

It is not apparently possible to readjust and equalize the work in divisions by altering their limits without splitting up districts, but the experience of some years has shown that existing divisions are very unequal as regards the quantity of work to be dealt with, and makeshift arrangements have to be constantly resorted to to prevent accumulations of arrears.

The total amount of work to be disposed of, though controlled and kept under by thirteen courts with occasional outside assistance, is enough to fully occupy the time of fourteen officers. The general strain on the thirteen Judges is severe, and the quality of the work would doubtless improve if officers were not so hard pressed to dispose of all that comes before them so as to avoid arrears accumulating.

The Jullundur, Lahore, Siálkot and Ráwalpindi divisions are too small in themselves, but could none of them take over all the work of another entire district. On the other hand, the Jhelum and Amritsar districts are quite beyond the capacity of a single Judge.

The arrangements now made appear to be the best under existing circumstances.

E. W. PARKER,
Registrar.

LAHORE:

March 1892.

Abstract showing the work done by Divisional Courts during the years 1891 *and* 1890.

Divisions.		Sessions Cases.					Criminal References.					Criminal Appeals.					Civil Appeals, Decrees and Orders.					Original Civil Suits.				
		Pending.	Instituted.	Total for disposal.	Disposed of.	Pending.	Pending.	Instituted.	Total for disposal.	Disposed of.	Pending.	Pending.	Instituted.	Total for disposal.	Disposed of.	Pending.	Pending.	Instituted.	Total for disposal.	Disposed of.	Pending.	Pending.	Instituted.	Total for disposal.	Disposed of.	Pending.
Delhi	1891	2	41	43	40	3	3	22	25	25	...	13	556	570	568	2	90	490	580	506	74	2	5	7	5	2
	1890	2	39	41	37	4	1	22	23	20	3	4	590	594	582	12	134	522	656	566	90	7	11	18	16	3
Umballa	1891	7	38	45	43	2	3	28	31	31	...	22	486	508	490	18	222	715	937	819	118	1	...	1	1	...
	1890	7	28	35	28	7	...	35	35	32	3	9	513	521	499	22	195	829	1,024	802	222	7	1	8	7	1
Jullundar	1891	...	15	15	11	4	...	6	6	6	...	6	126	132	130	2	45	430	484	425	59	...	...	...	...	...
	1890	...	9	9	9	...	...	2	2	2	...	1	152	153	147	6	116	515	631	586	45	...	...	...	...	...
Hoshiárpur	1891	4	10	14	14	...	...	9	9	8	1	8	187	195	191	4	130	819	949	811	138	...	...	...	...	...
	1890	2	12	14	10	4	...	3	3	3	...	8	206	214	205	9	110	931	1,041	911	130	...	...	...	...	...
Kulu	1891	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	21	25	24	1	...	...	...	...	...
	1890	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	10	11	7	4	...	...	...	...	...
Amritsar	1891	7	36	43	40	3	...	14	14	14	...	11	433	444	434	10	227	908	1,135	892	243	1	1	2	2	...
	1890	10	21	31	25	6	...	17	17	17	...	...	324	324	313	11	675	784	1,459	1,132	327	2	2	5	4	1
Siálkot	1891	...	21	21	21	...	...	8	8	8	...	...	534	534	530	4	44	513	557	497	70	...	40	40	34	6
	1890	1	20	21	21	...	...	23	23	23	...	10	305	315	315	...	98	547	643	590	44	...	14	14	14	...
Lahore'	1891	4	17	21	18	3	...	12	12	12	...	11	403	414	406	8	98	519	614	536	78	...	2	2	1	2
	1890	1	24	25	21	4	1	23	24	24	...	5	374	379	368	11	67	450	517	442	95	...	...	...	...	...
Ferozepore	1891	4	19	23	22	1	1	14	15	15	...	20	445	465	450	15	375	635	1,010	859	151	1	...	1	1	...
	1890	3	25	28	24	4	...	16	16	15	1	29	450	488	468	20	498	649	1,148	773	375	2	1	3	2	1
Montgomery	1891	2	51	53	52	1	...	14	14	14	...	13	871	883	869	14	202	461	663	458	205	...	14	14	10	4
	1890	3	31	34	33	2	...	27	27	27	...	22	840	862	850	12	255	409	664	462	202	...	6	6	6	...
Jhelum	1891	2	46	48	39	10	...	15	15	15	...	5	546	551	543	8	260	838	1,098	981	117	2	...	2	2	...
	1890	2	28	30	27	3	...	39	39	39	...	7	547	554	549	5	516	772	1,288	1,028	260	1	4	5	2	3
Rawalpindi	1891	1	48	49	36	13	...	8	8	8	...	5	255	260	252	8	178	427	605	523	80	...	1	1	1	...
	1890	3	50	53	51	1	...	23	23	23	...	15	219	234	229	5	216	442	658	482	176	...	2	2	2	...
Deraját	1891	12	46	58	45	13	...	2	7	7	...	5	677	682	670	12	96	538	634	533	91	...	6	6	6	...
	1890	4	33	37	25	12	...	4	4	4	...	16	718	734	729	5	260	851	911	725	86	...	...	...	...	...
Pesháwar	1891	5	54	59	54	5	...	5	5	5	...	30	364	394	388	6	71	367	438	368	70	...	...	...	...	...
	1890	2	70	72	67	5	...	10	10	10	...	8	298	306	276	30	11	474	485	414	71	...	1	1	1	...
Total ...	1891	51	442	493	435	58	7	163	169	168	1	147	5,875	6,022	5,911	111	2,127	7,690	9,817	8,723	1,094	8	70	78	64	14
	1890	39	390	429	377	52	3	243	246	238	7	134	5,544	5,679	5,531	147	3,171	7,865	11,036	9,909	2,127	13	63	63	54	9

APPENDIX C. TO THE CIVIL REPORT FOR THE YEAR 1891.

EXTRACTS FROM DIVISIONAL AND DISTRICT REPORTS.

APPENDIX C.

Extracts from Annual Civil Reports of Divisional and District Judges.

I.—ORIGINAL SUITS—INSTITUTIONS

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

The large increase of 920 and 1,380 suits respectively, in the Rohtak and Karnál districts, is attributed by the District Judges of those districts to the large number of suits brought by bankers and shopkeepers against agriculturists owing to the harvests being unusually good during the year under report, and the money-lenders thus taking the opportunity of recovering their past debts.

DISTRICT JUDGE, KARNAL.

(Mr. W. Chevis.)

No satisfactory explanation can be offered for the sudden and large increase, but, judging from the very large number of suits brought by bankers and shopkeepers against agriculturists (for figures, *vide* margin), one would conclude that the local money-lenders, having advanced large sums during preceding years, seized the opportunity of the present year, in which the harvests were unusually good, to recover as much as possible of their money.

1890 994
1891 3,434

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. G. L. Smith.)

Umballa.—The increase as compared with 1890 is very marked, being over 12 per cent. This increase is almost entirely confined to cases of money-lenders against agriculturists. The reason for this assigned by the District Judge, *viz.*, a desire by the money-lenders not to fall into the hands of the *punchâyets*, is probably the correct one, but it is a grim comment on the scheme of *punchâyets*, the chief object of which is to keep the people out of court!

Ludhiâna.—The variations noted by the District Judge are not material. If the number of institutions should continue to show a steady increase, as they have done since 1889, this is only to be expected with the increase of wealth and business in the country.

Simla.—The decrease noted by the District Judge is considerable, but as the details of it vary so much in different courts, it is, as the District Judge remarks, difficult to assign any cause. The District Judge has given reasons for abnormal results during the present year, and the peculiar circumstances of Simla will always be likely to produce abnormal results from time to time.

DISTRICT JUDGE, UMBALLA.

(Mr. A. C. Marshall.)

The increase is due to the appointment of village *punchâyets* in the district for decision of claims between money-lenders and agriculturists, the money-lenders, to avoid falling into the hands of these *punchâyets*, had recourse to Civil Courts.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

As compared with the previous year, the number of suits instituted is higher by 300; but no special reason can be assigned for this small increase. A reference to the figures for the five preceding years will show that such variations are not uncommon.

The number of institutions is still below that for the years 1887 and 1888 respectively, and is higher by 196 only than the average for the five previous years.

It must, however, be admitted that after the year 1889 the institutions have again shown a slight tendency to increase. The increase in the year under report is more than covered by the increase in suits on unregistered bonds.

DISTRICT JUDGE, SIMLA.

(Mr. J. E. Rowe.)

The number of original suits instituted in the several Civil Courts of this district during the year 1891 was 1,807. This number was considerably below that for any year since 1882, since when, excepting the year 1884, when they rose unusually high, the institutions have fluctuated between in round numbers 2,200 and a trifle over 2,300.

I think the decrease in the District Judge's Court is sufficiently accounted for by the fact that during the past year some important execution cases and one heavy civil partnership suit, in which most of the local native Súd firms are involved, have restricted their legal action in respect to the recovery of ordinary debts exceeding Rs. 500. I may also add that the entire Simla bazár is practically in the hands of one wealthy banker, Puran Mal, who may be said to largely influence the action of would-be litigants one way or the other; but I think his action is on the whole favourable to claims being compromised out of court. The decrease in the District Small Cause Court is too small to need special explanation. I have no data on which to base any opinion as to the cause of decrease in the Cantonment Small Cause Court, nor do the other figures in the above detail need comment.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Lieut.-Colonel H. M. M. Wood.)

The number of original cases instituted during the year under review was 12,769, showing a decrease of 529 cases, as compared with the number instituted during the previous year. The District Judge has given the institutions of the three previous years, showing that the institutions have decreased steadily each succeeding year since 1887.

Although the question of rise or fall in the institutions has been carefully considered by officers for years past, it is still a matter of doubt as to what the actual cause of such rise or fall can be. The agricultural prospects of the country, good or bad, the prevalence of epidemics, and the visitation of locusts, &c., have often been referred to as causes of the rise and fall in the institutions; but when the rise and fall in the different classes of suits are observed, such causes can hardly be deemed adequate. Nor, can any thing like reaction in the inclinations and tendencies of the people be deemed to be an adequate cause, as has been remarked by certain officers.

The rise in the price of edible grains, consequent on the large export of wheat by traders referred to by the District Judge, can scarcely be regarded as an adequate cause of general fall in the institutions, as an examination of the figures given by the District Judge shows that there has been an increase in the number of suits brought by bankers, &c., against agriculturists, which would not probably have occurred had the latter been hard pressed by the high prices.

DISTRICT JUDGE, JULLUNDUR.

(Mr. F. L. Bailey.)

I think the decrease this year is partly attributable to the establishment of a Small Cause Court for small cause suits up to Rs. 50 in the Jullundur tahsíl. The decrease in such suits in the Jullundur tahsíl has been 600, owing, I believe, to a desire on the part of intending plaintiffs to see how the new system works before they commit their cases to a court in which decrees are final.

Further, although the harvests have not failed, something like famine prices have prevailed during the greater part of the year owing to large exports. The decrease in institutions may partly, I think, be attributed to this cause, and also to some destruction of crops by locusts.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

The number of institutions in this division in 1891 was 20,037 as against 20,143 in 1890, showing a decrease of 106 cases only for the whole division.

DISTRICT JUDGE, KULU.

(Mr. M. W. Fenton.)

The number of suits instituted was 1,046, as compared with 1,071 in the year 1890. The figures for the Court of the Thákur of Láhaul were not, however, incorporated in the returns of 1890. The returns of the year under report include the Láhaul cases, 34 in number, so that there has been in reality a falling off of about five per cent in the number of cases instituted during the year. The falling off is chiefly noticeable in the number of suits for possession of immoveable property, which were only 90 in number, as compared with 141 in the previous year. It is probable that the stimulus given to such suits by settlement operations was less marked in 1891 than in the previous year, as during the year under report mutation work had assumed its normal proportions.

DIVISIONAL JUDGE, AMRITSAR DIVISION.

(Mr. F. C. Channing.)

There was a total increase of 193 cases in the division. As regards each district taken by itself, there was an increase of 467 cases in Amritsar, whereas a decrease of 274 is noticeable in Gurdáspur.

The District Judge of Amritsar is unable to assign any reason for the increase, while the District Judge of Gurdáspur attributes the decrease to the abundant harvest, which enabled the money-lenders to realize the debts due to them by the cultivators without having recourse to a law suit.

It seems to me hardly possible to ascertain the cause of ordinary fluctuations in the number of cases. A good harvest and a bad harvest can be equally used as an explanation for an increase and for a decrease in litigation. Thus, if the harvest is good and litigation increases, the explanation is that creditors are anxious to get in their debts now that the debtors have something wherewith to pay, and would-be litigants have the means to sue; if the litigation decreases, the explanation is that debtors are well off and pay without suit.

If the harvest is bad and litigation increases, the reason is that debtors cannot pay and creditors are driven to sue; if it decreases, the explanation is that, to sue the debtors is only throwing good money after bad, and would-be litigants cannot afford the court expenses.

All the explanations are no doubt based on real causes, which always operate in certain degrees; but to estimate those degrees accurately is almost impossible.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Colonel H. Lawrence.)

There has been a marked increase in the number of cases instituted during the year in both districts.

The District Judge of Siálkot considers that the decrease in 1890 was due to the unhealthiness of that year, but this does not account for the variations in the Gujránwála district, where the institutions were more in 1890 than in 1889.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery.)

The number of suits, instituted during the year under report, was 17,681, an increase in the previous year of 2,164, or 13·95 per cent. The figures for this year are more near the average for the district. The year 1890 was exceptionally unhealthy, and the decrease in that year, amounting to 2,447 cases, was undoubtedly due to the sickness which prevailed in the last half of the year.

DISTRICT JUDGE, GUJRANWALA.

(Mr. J. G. Rennie.)

The number of cases instituted was greater than the number instituted in any of the four previous years. The increase is very marked. I have only been here a few days, and consequently am unable to explain the cause from personal knowledge, nor can any of those from whom I have enquired give any satisfactory reason.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Mr. M. Macauliffe).

Institutions have increased in both districts of the division. The steady increase in suits for money or moveable property in the Hissár district is explained by the District Judge. The District Judges give contradictory reasons for the increase.

DISTRICT JUDGE, FEROZEPORE.

(Mr. E. B. Peacock.)

The number of instituted suits during the year was 11,240, as against 10,673 in the previous year, showing an increase of 567 suits.

The increase was in the number of suits for money or moveable property, and is spread over all the sub-heads. It appears to be due to the fact that the *Rábi* harvest, during the year under report, was a very good one, and encouraged the money-lenders to sue their debtors more readily. The number of suits brought by shopkeepers or money-lenders against agriculturists has similarly increased, probably for the same reason.

DISTRICT JUDGE, HISSAR.

(Captain C. Parsons.)

There is again a very considerable increase in suits for money or moveable property. Of the 3,256 instituted under this head, 2,976 suits were for money. The great hardness of the times has without doubt caused this result.

For several years there has been agricultural depression, which culminated in the autumn of the year under report in actual distress, when many people were ta a loss how to obtain food, and when bad grain from their old stores was being freely sold by *banniahs*, yet of the total number of suits (3,965) instituted during the year, only 968 were between agriculturists and *sahukárs*.

The great majority of the suits for money occurred, probably, between small *banniahs*, petty craftsmen and *sahukárs*: the former, owing to the slackness of trade and the high prices of grain food, being unable to sustain their credit. The increase of institutions under the head "Other suits" is largely accounted for by the fact that in villages Jamalpur and Hánsi, dissension between the proprietors led to a prolonged series of pre-emption suits.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Khan Mahammad Hayat Khan, c.s.i.)

Compared with the preceding year there has been a decrease in civil litigation in Mooltan and Montgomery, and an increase in Jhang and Muzaffargarh. The District Judge of Mooltan attributes the diminution to the practical abolition of the sales of land in execution of decrees, the recent important alteration in the law of confinement for debts, and the strictness of the rules for the attachment of the agricultural produce; and of Montgomery to the improved condition of the agricultural classes.

The District Judge of Jhang assigns the noticeable increase of 857 cases to the establishment of the Extra Munsif's court for six months in the district, which afforded facility to the litigants of the Jhang and Shorkot Tahsíls to bring forward their claims, and saved them the trouble and expense of producing their witnesses before the Munsif of Chinfot, to whom some of the cases were sent owing to press of work in the Munsif's court at Jhang.

The increase of 483 cases in Muzaffargarh, is accounted for by the District Officer by the purchase of grain in large quantities by European firms from the zamíndárs, who sold it to them at high rates, and broke their contracts with the traders and money-lenders who brought suits against them.

The reasons given by the District Judges for the fluctuation in litigation appear to be correct.

DIVISIONAL JUDGE, JHELUM DIVISION.

(Mr. F. D'O. Bullock.)

The following figures show the number of suits instituted in the three districts of this division during the last three years:—

	1889.	1890.	1891.
Jhelum	6,317	7,255	5,823
Gujrát	8,358	7,982	9,158
Shahpur	5,747	6,913	5,143
Total ...	20,422	22,150	20,124

This shows a decrease of 1,482 cases in Jhelum and of 1,770 in the Shahpur district, and an increase of 1,176 in the Gujrát district.

The decrease in both the Jhelum and Shahpur Districts is chiefly under the heads "unregistered contracts" and on "account stated," and the increase in the Gujrát district is under almost all the heads.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. De'Courcy.)

There is a very remarkable falling off of suits for money or moveable property and, in my opinion, it is due to the effect of the presence of locusts for many months and drought on the prospects of recovery in execution of decrees.

Last year the number of suits against agriculturists by bankers and shopkeepers were 3,598, and this year these suits were 2,965; there was thus a falling off of 633 cases.

DISTRICT JUDGE, GUJRAT.

(Baron J. Bentinck.)

The number of suits instituted during the year was 9,845, *viz.*, 1,863 more than in the previous year, or 23·34 per cent.

The increase is chiefly due to the absence of the epidemic which prevailed in the district during last year.

DISTRICT JUDGE, SHAHPUR.

(Mr. H. A. Wilson.)

There is a decrease on the figures for 1890 of 1,770 suits, and the total is over 700 below the average of six years—a satisfactory result.

It would appear that the excellent *Rábi* of 1891, which was coupled with high prices, enabled debtors to at all events temporarily satisfy unsecured creditors.

DISTRICT JUDGE, RAWALPINDI.

(Mr. J. A. Anderson.)

There were 10,384 cases instituted during the year against 11,418, in the previous year, showing a decrease of 1,034 cases. This may be referred to the locust visitation in May 1891, which made the money-lenders of Attock and Pindigheb Tahsils regard suits as useless for the present.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

Compared with 1890, the institutions during the past year show a slight decrease of 545 cases or 3 per cent; the number instituted, in each district, during the past two years was as follows:—

	1890.	1891
Dera Ismail Khan	6,388	6,492
Dera Gházi Khan	5,502	4,690
Bannu	4,844	5,007

The fluctuations in Dera Ismail Khan are normal and call for no special remark. In Dera Gházi Khan there has been a considerable falling off, in institutions, of 812 cases, or 15 per cent; the numbers instituted during the past four years in this district have been:—

1888	6,508
1889	5,620
1890	5,502
1891	4,690

If we compare the figures of last year with those of 1888, or three years back, we see that the decrease has been steady and amounts to 28 per cent. Mr. Birch, who is new to the district, gives the following explanation of the decrease:—

"The *Kharif* of 1891 was poor. The standing *Rábi* will be no better. General depression in trade and law suits follows scanty cultivation when the grain for export is *nil*, and the paying powers of the cultivating class is at the lowest ebb. Creditors with time to run can afford to wait. Where time is up, renewals, mortgages and compromises are resorted to, which the money-lending classes know how to bring about when they choose to.

This no doubt explains partly the figures of last year, because we find that the chief decrease (650 out of 812) occurred in suits by money-lenders against agriculturists. But the *Rábi* harvest last year was a bumper one, and in good harvests the *banniáhs*, as a rule, put their debtors into court and realize. It seems probable that there must be other causes which have operated year by year to reduce the number of law suits coming to the courts. The subject will receive careful attention during the current year.

One reason given is, that the great length of this district and the distance of parts from the courts, prevents a readier resort to them, specially in petty cases, but the transfer of the Munsif's Court at Jámpur to a more central place, Fazilpur, was ordered for the convenience of the litigating public.

In Bannu, on the other hand, there has been a slow, but steady increase in litigation since 1888.

No special reason has been assigned for this, but considering the fertility of the soil and the litigious character of the population, the natural tendency must be in this direction. It may, however, be remarked that the largest increase has taken place in suits for money or moveable property, and for betrothals, marriages, &c., while those for immoveable property have decreased from 966 in 1888 to 834 in 1891.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clarke.)

Institutions have decreased in Peshâwar by 163 suits and, in Kohât by 227 suits, while in Hazára there is an increase of 59 suits in 1891 as compared with the preceding year. The decrease in Peshâwar is in suits for money or moveable property, which have decreased by 180 suits (*vide* subject II).

The District Judge mentions in his report, the courts where the decreases have chiefly occurred, and gives this as the probable reason that suits for rent of houses attached to agricultural holdings and suits for "*huk-tora*" (marriage and betrothal fees) and "*khaks hora*" (sweepings of houses and manure), which were formerly heard by Civil Courts, are now heard by Revenue Courts, it having been ruled by the Chief Court that they are revenue cases. In Kohât the decrease is principally in suits for money or moveable property. The District Judge attributes this partly to the fact that many of the money-lenders were engaged for a part of the year in trade owing to the Miranzai expedition.

In Hazára the increase is chiefly in suits for money, otherwise than on bonds. This is ascribed by the District Judge to the change of Munsifs, as the traders brought forward their suits in the hope of obtaining more favourable decisions from the new Munsif. But the District Judge does not find fault with the new Munsif's work.

II.—CLASSIFICATION OF ORIGINAL SUITS

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

It is satisfactory to observe that notwithstanding a continuous increase in the number of cases instituted, the proportion of suits brought by bankers and shopkeepers against agriculturists in the year under report has fallen off in comparison with the figures of the two preceding years, in the Delhi district. The proportion of such cases in this district is, in fact, very much below that of any other district of this division.

In the remaining three districts of this division, and especially in the Karnál district, the proportion of suits brought by bankers and shopkeepers against agriculturists has considerably increased during the year under report, and the District Judges of Rohtak and Karnál attribute this increase to the year 1891 being a prosperous one after several years of scarcity, and the money-lenders thus taking the opportunity to recover their outstanding debts.

In Karnál, the whole of the cases shownin columns 2 to 7 of statement No. II appear from the return to have been brought by shopkeepers and money-lenders against agriculturists, which appears somewhat doubtful.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. G. L. Smith.)

It will be observed that in Ludhiána (where there is no system of *panchâyets*) suits by money-lenders against agriculturists do not show the marked increase (in fact, there is a slight decrease as compared with the previous year) that they do in Umballa, where *panchâyets* exist.

DISTRICT JUDGE, JULLUNDUR.

(Mr. F. L. Bailey.)

The figures relating to suits brought by money-lenders against agriculturists exhibit extraordinary variations in the last three years. In 1890 there was, as compared with 1889, a decrease of 541 suits; in 1891 there is an increase of 932 such suits, as compared with 1890, and of 391 as compared with 1889. I am quite unable to explain this large increase, especially when there has been a general decrease of litigation. I am inclined to doubt the accuracy of the figures.

DISTRICT JUDGE, AMRITSAR.

(Rai Buta Mal.)

There is a considerable falling off in the number of suits brought by bankers or shopkeepers against agriculturists, the difference being 929 or 14 per cent. This is apparently attributable to the special provisions of the law as regards attachable property and the mode of attachment in cases where the judgment-debtors are agriculturists, and to the difficulties experienced in enforcing decrees against them.

Broadly stated, of the total litigation of the district, suits for money and moveable property represent 86 per cent, while suits for possession or recovery of all kinds of immoveable property represent 9 per cent, the remaining 5 per cent including all other suits.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery.)

Seventy-six per cent of the total suits were on unregistered bonds, contracts not in writing and on account stated, the percentages of each being 43, 11, and 22, respectively.

More than two-thirds of the first six kinds of suits for money or moveable property mentioned in statement No. II, Part I, were brought by bankers or shopkeepers against agriculturists.

DISTRICT JUDGE, GUJRANWALA.

(Mr. J. G. Rennie.)

The increase is especially marked in suits otherwise than on bonds. This seems altogether to negative the suggestion made last year, that the practice of securing money by bond is superseding the former method of obtaining stamped balances. My own private opinion, if experience gained elsewhere is to count, is that shopkeepers find that a balance, with a record of the names of the persons in whose presence it was obtained, without their actual signatures, serves all the purposes of a bond without requiring a bond stamp.

DIVISIONAL JUDGE, LAHORE DIVISION.

(Colonel C. H. T. Marshall.)

The District Judge thinks fabricated bonds are on the increase. It is exceedingly difficult to say which bonds are not genuine, especially when they are executed by ignorant cultivators in villages. It does not appear from the report that there have been any prosecutions or convictions under this head. I doubt if it was wise of the District Judge issuing proclamations that offenders would be severely dealt with; it is sufficiently well known that forgers are heavily punished on conviction, and the proclamations are only calculated to encourage the persons who are sued on bonds to deny duly executed bonds in hopes of escaping payment of their just debts.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

What is a matter of regret is, that in appeals I find what I consider false or fabricated bonds on the increase. These bonds are not registered, and the party purporting to have executed them stoutly denies execution. There is not usually sufficient evidence forthcoming for a criminal prosecution, or, what is more to the point, sufficient to secure a conviction; but as I have found such bonds on the increase, I have called the attention of all Munsifs to the matter, and have requested them in all such cases to make a searching enquiry at the very outset of proceedings, so that if fabrication of a false document or forgery is sufficiently made out, the necessary steps may be taken on the criminal side.

In order to deter fraudulent money-lenders from fabricating such false bonds, I have had public proclamations made in each tahsil that if any case is proved an example will be made of the offender. I shall watch results during the year with some interest. This may perhaps have the effect of increasing suits on registered bonds, as in cases of registered documents there is less likelihood of frauds being perpetrated. Small debtors, knowing that false bonds are on the increase, probably are encouraged to deny execution of even genuine bonds; but the denial shows that false bonds must be on the increase before ignorant debtors, owing perhaps small sums, would take up the plea of denial of execution.

DIVISIONAL JUDGE, MOOLTAN DIVISION

(KHAN MAHAMMAD HAYAT KHAN, C.S.I.)

In Mooltan there has been a general falling off in suits of all classes, and a steady decrease since 1887, in the number of suits on "unregistered bonds," "on contracts not in writing," and "on accounts stated"; the largest diminution being in money suits, and in suits brought by bankers against agriculturists, which fell from 2,135 to 1,538. Suits for "rent other than of land," for moveable property or value thereof, and for possession or recovery of immoveable property have slightly increased.

In the Jhang district suits "otherwise than on bonds" rose by 689, and suits for moveable property or value thereof by 126. The chief increase is under the heads "contracts not in writing" and "on account stated," which the District Officer rightly attributes to the employment of the extra Munsif at Jhang for 6 months during the year. Suits brought by bankers against agriculturists numbered 2,633, as against 2,385 in 1890. The cause of the increase of 248 cases is stated to be the increased poverty of the people, and the desire of the money-lenders to lend money to the agriculturists and get their landed property in execution of decrees. In Montgomery, suits "on unregistered bonds" and "otherwise than on bonds" fell by 40 and 370, respectively, while suits for moveable property or its value rose by 86, and suits for immoveable property by 56. The decrease is said to be due to the increased prosperity of the agriculturists and the Munsif's action in sending up for trial a few money-lenders for forging entries in their account books. The increase in suits for immoveable property is due to the expiry of the term of the settlement, which led the land-owners to secure their titles by judicial decisions and get favourable entries.

In Muzaffargurh the most noticeable increase is in suits "on unregistered bonds" and in suits "on contracts not in writing" and "on accounts stated," and is due to the fact that the zamíndárs did not at harvest time pay their debts in grain to the money-lenders, but sold the wheat to European firms at advantageous rates, and the bankers therefore brought 4,619 suits against them.

DISTRICT JUDGE, SHAHPUR.

(MR. J. WILSON.)

It will be seen that suits for possession of immoveable property show a falling off of nearly 100, but the percentage has slightly risen. As settlement operations draw to a close, a decrease may be looked for, but land suits are still numerous and important.

The number of suits brought by money-lenders against agriculturists in 1891 was 3,196 as against 3,908 in 1890, &c., and is less than in any previous year since 1886. I have no hesitation in ascribing this to the good *Rabi* harvest of 1891.

1891	3,196
1890	3,908
1889	3,618
1888	3,250
1887	3,862
1886	3,632

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(COLONEL W. J. PARKER.)

The decrease is chiefly noticeable under head "suits otherwise than on bonds." They have fallen from 4,581 in 1890 to 3,505 in the year under review, showing a falling off of 23 per cent as compared with the figures of 1890, and of 9 per cent as against 1889.

With regard to the increase in suits of this description, the District Judge remarks that "the continued increase of suits on unregistered bonds is, as I remarked last year, the sequel of the discovery by the money lending classes that registered bonds are not accepted by courts as conclusive proof of transactions. In the same way many money-lenders think they may just as well sue on their books as on bonds and do not trouble themselves to cause a stamp to be purchased. Distrust appears to be increasing between the lending and borrowing classes."

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

Suits for money or moveable property that is, suits of a nature cognizable by a court of small causes constituted 85 per cent, as compared with 87 per cent in the previous year, of the total civil litigation of the division.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. T. H. Homan.)

There has been an increase in the number of suits between money-lenders and agriculturists in the year under report as below :—

In 1888	...	...	...	...	3,897
In 1889	...	...	...	...	3,063
In 1890	...	...	...	...	3,704
In 1891	...	...	...	...	4,066 or 362

I attribute the falling off in suits on registered and unregistered deeds to its being gradually found to be less expensive, and almost equally secure to affix a one anna stamp to a balance struck in an account book, rather than to execute a bond on the stamp paper necessary for bonds.

The large increase in suits for immoveable property took place chiefly in pre-emption suits, in which there was an increase of 68.

The increase in suits for immoveable property and in those brought by money-lenders against agriculturists, especially in the latter, may, I think, be attributed to the destruction of crops by locusts and the failure of the *Kharif* rains.

DISTRICT JUDGE, DERA GHAZI KHAN.

(Mr. F. W. Birch.)

Suits by bankers against agriculturists show the large decrease of 650 suits as compared with the previous year. The figures are 1,718 against 2,368.

As far as could be learnt from enquiry, there seems to be a growing tendency among the above classes to renew the debts or compromise out of court rather than go long distances and suffer in time and pocket. The more distant the parties are from a court the less are they inclined to resort to it.

DISTRICT JUDGE, BANNU.

(Mr. H. W. Gee.)

There were 1,475 suits brought by bankers and shopkeepers against agriculturists during the year, as against 1,788 last year. The figures for these suits last year were above the average, and the present ones I consider normal.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clark).

A noticeable feature in Peshawar is the increase of 658 in suits brought by bankers against agriculturists. The District Judge is unable to assign, definitely, any correct reason for this.

The decrease in suits for immoveable property has been attributed partly to the fact that more suits are now being rightly instituted as revenue ones in the revenue courts, which were formerly wrongly instituted in civil courts, and partly to the Black Mountain Expedition, which occupied the attention of the zamíndárs for a part of the year.

III—VALUE AND COSTS OF SUITS.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

Of the total number of suits decided during the year, 79 per cent were for money or moveables not exceeding Rs. 500 in value. The percentages for 1889 and 1890 under this head were 85 and 84 respectively.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

The total and the average values of suits "for money or moveable property" and of "other suits" have been steadily on the decline, which possibly shows that the litigation under these two classes is growing more and more petty.

There is a decided rise in the value of suits for land. These suits have throughout the year, as was also the case in the previous year, been valued according to the jurisdiction value prescribed by the rules framed under the Suits Valuation Act. It would seem, therefore, that the value of the land litigated for in the year under report has been actually higher than in the previous year.

In the report for the year 1890 I had occasion to remark that the value of suits for "other immoveable property" showed a most marked tendency to fall, but in this year I have to report a most striking rise in their value. It is nearly double of what it was in the year 1889 and quadruple of that in the year 1890. This can be due to only one of two causes, namely:—

(1) either that the value of the property litigated for was actually more; or

(2) that the courts have paid more attention to ascertaining the correct value.

As promised in the last year's report, the attention of the subordinate courts was drawn to the importance of ascertaining the real value of such property, and during the past year I have noticed more commissions issued for the purposes of valuation. The average value of this class of suits in 1889 was Rs. 160-1-6 and in 1890 Rs. 96-4-4, while in 1891 it reached Rs. 320-12-6.

The marked falling off of Rs. 8,074-2-3 in pleaders' fees, though the value of the litigation disposed of has been higher than in the previous year, leads to the inference that pleaders were engaged in fewer cases; and if this be so, it would also imply that litigants have had more confidence in the working of the courts.

DISTRICT JUDGE, AMRITSAR.

(Rai Buta Mal.)

While the number of land suits shows a steady decline during the last four years, the value of these suits, excluding from account the abnormal rise in 1888, has been steadily increasing. This will account for the increasing importance attached to them not only by the suitors themselves in the large sacrifices they make to bring them to a successful issue, but also by the courts, in making elaborate investigations to justify the result.

DISTRICT JUDGE, GUJRANWALA.

(Mr. J. G. Rennie.)

The violent fluctuation under the heading "suits for other immoveable property" is owing to the institution of one or two large suits during previous years. Statement III bears this out, though it is not easy to believe that during the whole year there was no dispute regarding house property worth Rs. 1,000.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

It will be observed that suits not exceeding Rs. 10 in value have practically remained stationary, while those valued at between Rs. 100 and Rs. 500 have decreased by 257; but that this has been more than compensated by the general increase that has taken place under all the other divisions, with the exception of the last, *viz.*, *exceeding one lakh*. In the preceding year there was one such exceptional case, the one referred to already.

The figures in the statement show that suits of higher value are increasing.

DISTRICT JUDGE, HISSAR.

(Captain C. Parsons.)

The value of the litigation was Rs. 4,20,450 as against Rs. 2,38,982, or Rs. 1,81,468 more than last year. The reason for increase is seen in the increase by 629 in the number of institutions, and in the fact that there was no suit of a value greater than Rs. 10,000 instituted last year.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(KHAN MAHAMMAD HAYAT KHAN, C.S.I.)

The average value of suits for money or moveable property has fallen in Mooltan and Jhang, but risen in the other two districts. On the other hand the average value of "other suits" has been nearly doubled in Mooltan owing to increase in the number of cases above Rs. 1,000 in value, and reduced to half in Montgomery and by Rs. 14-10-0 in Muzaffargarh.

DISTRICT JUDGE, MOOLTAN.

(MAULVI MUHAMMAD HUSSAIN.)

The costs do not represent the expenses actually incurred by the litigants. The statement is entirely misleading. They do not include the fees paid to petition-writers and pleaders' actual fees, which are higher in most cases than allowed by the prescribed rules. The most important item in the petty cases is, that incurred in travelling to and back from the court, especially in Mooltan, which is a district of large distances. An instance will give an idea of the enormity of actual expenses and the ludicrousness of what is allowed. Sahuka is a place 93 miles from Mooltan. It takes 12 days in coming and going back, which costs at least Rs. 6 for camel hire for each visit. Taking the least number of visits to be three, both parties will pay only for carriage hire Rs. 36, suppose the value of the suit is above Rs 100, say Rs. 110. (The Tahsildár at Mailsi cannot hear it.) The litigants must come to the *sadar*. The suit will cost the plaintiff at least Rs. 64-4-0 and, the defendant at least Rs. 48. Any party winning the case will get less than half what he has actually spent.

Plaintiff.

	Rs. a. p.
Court fees	8 4 0
Witnesses	12 0 0
Carriage and feed of witnesses	12 0 0
Pleador's fees...	10 0 0
Carriage hire	18 0 0
Petition-writer	2 0 0
Extra	2 0 0
Total ...	64 4 0

The costs of both parties will thus come to Rs. 112 that is Rs. 2 more than the value of the suit. I have not included in this what the party would incur if the case were once adjourned, which is not uncommon.

The above instance, which is not an imaginary or solitary one, must be sufficient to convince any one of the real expensiveness of litigation.

To consider another phase of it, the wily money-lender is shrewd enough to let cases accumulate until he has half a dozen of them ready. His expenses will then decrease to something reasonable. But pitiable is the case of each of the defendants who, in addition to the hardship of being dragged away from his plough or scythe, will in case of victory or defeat lose Rs. 30 or Rs. 75, respectively, in the form of expenses.

The expensiveness and troublesomeness of litigation renders a suit, even in case of defeat, a very effective instrument for crushing an unwilling tenant, an unyielding co-sharer or a suspect in a theft of cattle case.

DISTRICT JUDGE, SHAHPUR.

(MR. J. WILSON.)

As I have before noted, land suits are of great interest and importance at present and are likely to remain so for some few years after the settlement. I am, however, disposed to attribute many of these suits and a great proportion of the increase in value from Rs. 1,04,328 to Rs. 1,31,696) to the operation of the pre-emption clauses in the Punjab Laws Act.

A system of competition for the land has grown up and it is fostered by these clauses. A bogus pre-emptor sues and is financed by a rival capitalist. A decree is obtained against the vendor and the capitalist vendee, who to protect himself, has entered a fictitious sum in the deed of sale. As pre-emption is purely a personal right, I am of opinion that an amending clause should be inserted in the Punjab Laws Act requiring a claimant of pre-emptien rights to show that he is a *bonâ fide* claimant. This principle was followed by the Allahabad High Court in page 180, Volume V, of 1882. The argument that the pre-emptor has a perfect right to obtain the land if he can, and resell it at a profit, *vide Punjab Record*, No. 22 of 1887, may have weight, but the advantages of allowing this abuse of the right of pre-emption are annulled by the demoralizing litigation to which it leads. I recollect an instance in which the pre-emptor was found to have sold the land to the pleader in the case, by a deed, before the suit was instituted, thus saddling the vendor and vendee with heavy costs on a *mala fide* claim. There were 76 pre-emption suits in the district in 1891.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Colonel W. J. Parker.)

The total value of suits during the year under report was Rs. 8,00,661 as against Rs. 9,32,174 in the previous year, showing a decrease of 14 per cent as compared with the year 1890 and of nearly 3 per cent as against 1889.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith).

The increase in suits for money or moveable property occurred chiefly in Bannu where the value rose from Rs. 1,65,721 to Rs. 2,23,361, or by 35 per cent. The average value of suits for money or other immoveable property has risen from Rs. 80-10-6 to Rs. 116-1-9, but this amount is much below and nearly one-third of the provincial average of Rs. 379-6-8. The total value of other suits has decreased from Rs. 2,84,570 to Rs. 1,67,583; the greatest falling off is observable in Dera Ismail Khan where the amount fell from Rs. 2,26,076 to Rs. 1,40,093, or by Rs. 85,983, or 38 per cent. Bannu also shows a large decrease from Rs. 48,693 to Rs. 14,942. It may, however, be remarked that notwithstanding these decreases the average value, Rs. 308-10-0, of other suits is higher than the provincial figures of Rs. 286-6-11.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clark.)

The average value of suits has fallen off considerably in Peshawar and slightly in Hazára, while the Kohát figures show a rise.

V.—DETAILS OF DISPOSALS, DURATION OF CASES AND PENDING FILE

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

The Munsif, who in March last was invested with the powers of a Judge of Small Cause Court within the limits of the Ludhiána tahsíl in small causes not exceeding Rs. 50 in value, has, in the exercise of this special jurisdiction, decided 1,617 suits. Of these 504 were contested and 466 were decreed on confession. Two hundred and seventy-five cases were dismissed on default under sections 97 and 98, Civil Procedure Code, but applications were made for the restoration of only 26 of these cases. One hundred and thirty-three cases were decreed *ex parte* against defendants, but only nine applications were made for setting aside such decrees. The average duration of contested and uncontested cases was 14 and 10 days respectively.

The experiment of vesting one of the Munsifs with the special jurisdiction has thus far worked satisfactorily, and there have been no complaints against it.

DIVISIONAL JUDGE, LAHORE DIVISION.

(Colonel C. H. T. Marshall.)

I agree with what the District Judge says about the changes of officers. Had another officer been sent, as might have been reasonably expected, in place of the late Mr. O'Brien (who was an excellent officer), work would have been better kept in hand. Lahore has not been fortunate in its civil staff as a whole; during the year we have had to depend too much on junior officers and Honorary Civil Judges.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

By looking at statement No. IV, Part I, it will be seen that each class of officer has decided more cases in 1891 than in 1890, save the class of Assistant Commissioners; and this is due to the death of Mr. P. O'Brien in July 1891, to the transfer of Mr. Egerton from Kasúr, and to the small powers of Pandit Hari Kishen Kaul, and to his transfer also for a time from the district.

There was an increase of work by 714 cases, and the officers exerted themselves and disposed of 546 more cases than in 1890; the increase in the pending file, therefore, is not due, in my opinion, to any want of exertion on their part. The work disposed of would have been greater had it not been for the death of Mr. O'Brien and the many transfers of officers.

Mr. O'Brien was an officer who used to dispose of a large share of civil litigation. By his untimely death the despatch of work received a shock. Mír Ibráhím Ali, with the powers of a Sub-Judge, was another officer who disposed of work by his steady application to it; he was transferred to Kasúr, and Sirdár Partáp Singh was invested with the powers of a Sub-Judge. Work came to a standstill in his time. He then took leave. Pandit Hari Kishen Kaul, Assistant Commissioner, had only the powers of a Munsif of the 3rd class: as he was getting into his work he was transferred. Rai Pohu Rám, Extra Assistant Commissioner, had his hands full with the Treasury, and Mr. Goode, Extra Assistant Commissioner, was doing as much as he could and was preparing for his Departmental examination. In fact, it was not till Rai Rám Náth, Extra Assistant Commissioner, was posted to the district and Mír Ibráhim Ali came back again, that the civil work of the more important kind commenced to be disposed of satisfactorily at head-quarters. But the changes of officers were not confined to head-quarters. Every single Munsif in the district came to be changed. Pandit Mahárái Kishen, Munsif of Chunián, retired, and Lála Gopál Dás came in his place, taking up judicial work for the very first time.

Lálas Harbhagwán Dás, Pandit Bálkishen, able and well tried officers, were transferred, and new men were brought in their places, and these again were transferred and others came in their places, and these also are but officiating Munsifs. With the numerous changes of officers it was but natural that the outturn of work would be affected, but notwithstanding the increase in the institutions was met by increase in the disposals.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson.)

It is not the courts who are to blame for dismissing suits for default. As I have said, it is a common practice for men whose business brings them often into court to wilfully fail to appear and then file an application for restoration at their own convenience. It is extremely difficult to give good reasons for a refusal to restore, and the only way is to use section 103, Civil Procedure Code, thoroughly, and thus protect defendants to whom frequent attendance at court means serious loss.

DISTRICT JUDGE, RAWALPINDI.

(Mr. J. A. Anderson.)

The number of suits pending at the close of the year is not satisfactory. Some part of the balance may be ascribed to the withdrawal of one Munsif which leaves the number of pending small causes higher, but the *Sadar* Courts have not disposed of enough work. Numerous transfers of Extra Assistant Commissioners have been effected by the Commissioner, and these invariably cause postponements of civil cases.

DISTRICT JUDGE, PESHAWAR.

(Mr. F. Field.)

I take the opportunity to note here that every summons sent to the Calcutta Small Cause Court is returned unserved with the stereotyped endorsement that the defendant cannot be found at the address mentioned, and no one appeared to point him out on behalf of the plaintiff. If interrogatories are sent to the Calcutta Small Cause Court they are never executed unless the party filing the interrogatories goes to Calcutta or is represented by an agent.

DISTRICT JUDGE, HAZARA.

(Mr. E. Inglis.)

There is a large increase (of 206) in the number of cases otherwise pending at the close of the year due to transfers of officers during the month of December and decrease in the number of officers exercising higher powers.

Mr. Renouf, Assistant Commissioner, Munsif, 1st class, was transferred from the district at beginning of December. His cases were sent to Lala Sri Rám, Extra Assistant Commissioner, who also was transferred almost immediately without having had time to take up the cases.

Almost all Mr. Renouf's and Lala Sri Rám's cases were then sent to Maulvi Inám Ali, Assistant Commissioner, the only 1st class Munsif at present in the district, who joined the district just before the Christmas holidays. In the same way Munshi Ahmad Ján, Munsif, had to take over a pending file from Lala Gyán Chand whom he relieved, and in addition there has been a large comparative increase of institutions in Munshi Ahmad Ján's court, due, I believe, to suitors hoping a new Munsif would look more favourably on their claims.

DISTRICT JUDGE, KOHAT.

(Captain H. A. Deane.)

Owing to the deputation of Shahzáda Sultán Ján, C.I.E., on the Miránzai expeditions, there was no officer in the district with powers higher than those of the Munsif, 1st class, (except the Deputy Commissionor, whose time was occupied with important work). A few cases were therefore kept for him which swelled the average, and which he decided on his return.

V.—AGENCY BY WHICH SUITS WERE DISPOSED OF.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

The proportion of cases disposed of by the Sub-Judge, by Extra Assistant Commissioners, and by the Tahsíldárs, has considerably fallen off in this district as well, and the bulk of the disposals lies in the court of the Munsif alone. The District Judge attributes this falling off in the case of the Sub-Judge to the several changes of officers during the year, and in case of Extra Assistant Commissioners, to the Treasury Officer alone being available for civil work, the Revenue Officer being fully occupied with revenue and criminal duties. As regards Tahsíldárs, the District Judge goes on to say, that "with the present establishment at his disposal it is useless to expect much from a Tahsíldár in the judicial direction, as his revenue duties require him to be constantly moving about his tahsíl. There is only one Judicial Moharrir, both for the Tahsíldárs and Náib-Tahsíldárs, and he has to remain constantly at the tahsíl. If the Tahsíldár had some one in the tahsíl to go out with him in camp, he might be able to dispose of a good number of cases on the spot. At present there is no such official available, and no improvement can therefore be hoped for in the amount of work performed by this class of agency."

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. G. L. Smith.)

Umballa.—There is an immense decrease in the number of cases decided by the District Judge, as compared with previous years, especially 1889, when 289 were decided against 38 during the past year. This extraordinary variation should have been fully explained by the District Judge. He states that besides the 38 original suits he did 471 regular appeals (244 miscellaneous), but in 1889 he decided 472 regular appeals, so this had no bearing on the subject.

The work turned out by the Assistant Commissioner and Extra Assistant Commissioners also fell remarkably, and is accounted for by their frequent changes, which does not seem a sufficient explanation for so great a decrease (more than 50 per cent as compared with last year).

Ludhiána.—It is satisfactory to find that the proportion of work done by the Extra Assistant Commissioners is higher than in the preceding years, and that they have disposed of more "land suits" to the relief of Munsifs, and the Tahsíldárs have also done a much greater share than before of these suits.

The relief to the District Judge afforded by the appointment of a Sub-Judge is considerable and well deserved.

The Munsifs have done a full tale of work, but it is to be regretted that the share taken by Honorary Civil Judges has so much fallen off. This is of course accounted for by one Honorary Civil Judge being deprived of his powers.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Lieut.-Col. H. M. M. Wood.)

The Extra Assistant Commissioners disposed of a larger number of cases last year than the number they disposed of in the year previous, *viz.*, 265 cases more. But when it is taken into consideration that an extra officer was attached to the district during the main portion of the year, their outturn of work is not so satisfactory as might have been expected.

The frequent change of officers perhaps retarded work to some extent. The amount of work disposed of by the Munsifs should have been larger as they were relieved of land cases almost entirely. The disparity between the disposal of work by the Sadar Munsifs and the disposal by the Munsifs of the outlying stations has been satisfactorily explained by the District Judge.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

In Hoshiárpur 78 cases, of which 44 were contested, were disposed of by the District Judge or Subordinate Judge with appellate powers, as against 63 in the previous year. I think the number might have been larger. I should mention, however, that the present District Judge is, I understand, now taking up all cases over Rs. 1,000 in value.

The number of suits decided by the remaining head-quarters courts was 1,408 as compared with 1,035 in the previous year. Excluding the Revenue Assistant, who only took up a few cases for special reasons, there were four officers who were employed on civil work during most of the year. An outturn of 1,408 cases, of which 779 were contested, is only a very moderate amount of work for four officers for 11 working months, and the increase of the pending file at head-quarters from 111 cases to 174 is to be regretted.

The District Judge points out that disposals in the Munsifs' courts did not keep pace with the institutions, and that these officers decided over 1,000 fewer cases last year than in 1890, though they were almost entirely relieved of land cases. This is very unsatisfactory. Rather a large number of changes took place, but most of these were in the spring, and it is not in the heaviest worked courts that the pending files were largest. The Munsif of Garhshankar had 309 cases pending, and the disposals in this court were only 1,829, of which 442 only were contested. The Munsif of Tánda again had a pending file of 298, while the number of cases decided in his court was only 1,673, of which 538 were contested. I must agree with the District Judge that the increase in the pending file for the district is largely due to the Munsifs having disposed of an insufficient amount of work.

The Tahsíldárs disposed of fewer cases than in the previous year, but the tahsíl court at Una was the only one in which the work was distinctly light, and this I conclude is due to there being not many small land suits in this tahsíl.

The only Civil Judge in the Hoshiárpur district, Sirdár Bahádur Rájindar Singh, died last summer.

In Kángra a large proportion of the more important suits was taken up by the District Judge himself, the Munsifs were almost entirely relieved of land suits, and the necessity of depriving two Honorary Judges of their civil powers, considerably reduced the outturn of work by the Honorary Courts of the district. The abolition of the Honorary Court at Rihlu and the absence of the Rája of Lambagráon on leave, increased the work of the Munsif of Kángra to rather more than it should be, but the demand was cheerfully responded to, and at the end of the year the Munsif had the smallest pending file of any Munsif in the division.

DIVISIONAL JUDGE, AMRITSAR DIVISION.

(Mr. F. C. Channing.)

The District Judges disposed of cases as under:—

	1890.	1891.
Amritsar	96	69
Gurdáspur	1	104

The number of cases disposed of by Assistant and Extra Assistant Commissioners was:—

	1890.	1891.
Amritsar	1,031	1,090
Gurdáspur	1,607	1,961

The number of cases disposed of by Munsifs was as follows:—

	1890.	1891.
Amritsar	11,079	11,285
Gurdáspur	14,272	13,573

The Tahsíldárs disposed of the following cases:—

	1890.	1891.
Amritsar	2	299
Gurdáspur	403	285

In Gurdáspur a correspondence took place between the District Judge and the Deputy Commissioner about increasing the share of work disposed of by Tahsíldárs; the Deputy Commissioner was averse to any such increase, as, in his opinion, the Tahsíldárs were already fully worked.

The District and Tahsíl Small Cause Courts in the Amritsar district disposed of cases as below :—

	1890.	1891.
District Small Cause Court ...	... 3,940	4,220
Tahsíl „ „ „ ...	... ...	1,729

The general distribution of the work appears to be satisfactory. But so long as Assistant and Extra Assistant Commissioners discharge duties connected with so many various departments, it will necessarily be difficult to judge whether their outturn of work as Judicial officers is satisfactory.

DIVISIONAL JUDGE, SIALKOT DIVISION.

(Colonel H. Lawrence.)

The Tahsíldárs have done less civil work. The orders of the Chief Court appear to have been carefully carried out in making over almost all land cases to Extra Assistant Commissioners and not to Munsifs.

In the Siálkot district 54 land cases were disposed of by Munsifs and Honorary Civil Judges.

In the Gujránwála district there were only two land cases decided by Munsifs.

The Sub-Judge's outturn of work in the Gujránwála district is very small.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

I think I may fitly describe the work in my own court as a race against time, and then only 157 cases were decided in the year with not a single judgment written in court hours, for the preparation of only the materials for a judgment is a work of days. The number 157 seems but small, but the work taken up in each case is large.

The work of Subordinate Judges and Extra Assistant Commissioners shows an increase, partly owing to an additional Extra Assistant Commissioner and partly to the fact that for six months in the year Mr. Egerton, the Assistant Commissioner in charge of the Kasúr sub-division, was transferred and Mír Ibráhim Ali, Extra Assistant Commissioner, was posted in his place.

The decrease in the work of Assistant Commissioners is due to the death of Mr. O'Brien, Assistant Commissioner at head-quarters, and for some time no Assistant Commissioner being posted to Lahore. Pandit Hari Kishen Kaul, Assistant Commissioner, was posted for a time, and then was transferred. During the time he was attached to the district he had only the powers of a Munsif of the 3rd Class. I have already had occasion to mention the transfer of Mr. Egerton from Kasúr.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Mr. M. Macauliffe.)

Ferozepore.—The Tahsíldárs have disposed of 1,048 cases during the year against 856 in the year 1890. The number of cases disposed of by four Munsifs has fallen from 7,696 in the year 1890 to 6,663 in the year under report. I am totally opposed, on every account, to giving increased judicial work to Tahsíldárs.

Hissár.—The number (2,513) of cases disposed of by the Munsif, more than 60 per cent of the whole civil work, is satisfactory. The civil work of Hissár is very light.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Khan Mahammad Hayat Khan, c.s.i..)

The Assistant and Extra Assistant Commissioners have disposed of almost the same number of cases as in the previous year, except in Jhang, where they have done much less original work.

The Tahsíldárs show a decreasing quantity of civil work, with the exception of the Tahsíldárs in the Montgomery district, who have decided 136 cases more.

DISTRICT JUDGE, JHANG.

(Kazi Mahammad Aslam Khan, C.M.G.).

Mr. A. Broadway, Honorary Civil Judge, Garh Mahárája, decided 187 cases in 246 days. Of the total number of cases decided by him, 19 cases were contested. His court is very popular.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. DeCourcy.)

The Tahsíldárs have been used this year as required by Chief Court Circular No. 20 of 1890. Only eight cases within their jurisdiction under this circular were disposed of by other agency. This was no doubt due to oversight. I do not think it advisable to ask for enhanced powers for these officers for these reasons:—

A.—because the Deputy Commissioner does not think they can do more than a certain number of cases;

B.—because, allowing for such number, there is not too much work at the sadar and sub-divisional courts.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson).

Small land suits have been chiefly disposed of by the Tahsíldárs (431).

The work done by Assistant Commissioners and Extra Assistant Commissioners may appear small, but the criminal and revenue work of the district is heavy. The Subordinate Judge has at various times had to take charge of the Treasury, and this has caused serious hindrance to his work.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

Assistant and Extra Assistant Commissioners disposed of fewer cases, the largest decrease of 353 cases (from 947 to 594) occurred in Dera Gházi Khan, where the institutions were smaller and the two Munsifs' time was not fully occupied. In Dera Ismail Khan there was an increase, because 114 land suits were disposed of by Mír Muhammad Nizámi, Revenue Extra Assistant Commissioner, against 12 cases in the previous year. There was a large decrease of 322 cases (803 against 1,125 in 1890), disposed of in Dera Ismail Khan by the Tahsíldárs, owing to the transfer from Bhakkar to Tánk of S. Mulaimuddín, Náib-Tahsíldár, who had been invested with civil powers to afford relief to the Cis-Indus Munsif.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clark.)

Tahsíldárs did less work than in 1890. Formerly "Huk-tora" and "Khakshora" cases were decided by them as civil courts, whereas they now decide these classes of cases as revenue courts. This also accounts for the decrease in their courts. Mr. Field explains that there are not enough land cases and unclassed suits within their powers to give them the prescribed number of cases, and so he is now sending them small cause cases to bring the number of cases up to the prescribed limit.

This is, I think, wrong, and a subjection of real work to mere statistics. Tahsíldárs have unlimited work besides their civil work. Munsifs have only their civil work. Munsifs in this district do not require any relief. The result tends to this that Munsifs will be idle while the Tahsíldárs will be trying small cause cases to the prejudice of their other work. What I think would be a good plan, would be, to require Munsifs to send up to the District Judge for transfer to Tahsíldárs any cases that, after hearing the parties, they find refer to land or are otherwise suitable to be tried by Tahsíldárs, or require investigation on the spot. Such cases have come before me in appeal from the courts of Munsifs.

VII.—EXECUTION OF DECREES.

DISTRICT JUDGE, DELHI.

(Mr. S. Clifford)

It will be seen that the total value of the decrees in execution was Rs. 2,06,889 more than what it was in 1890, while the realizations show a falling off of Rs. 28,784.

The percentage of realizations to value in execution was 26·24 as against 37·79 in 1890, showing a fall of over 11 per cent. The realizations show worst in the Munsif's court, which is not surprising, considering his decrees are mostly against agriculturists.

DISTRICT JUDGE, GURGAON.

(Mr. J. R. Drummond.)

The slight improvement in the realization is due to good crops in *Rabi* 1891. In this district there is scarcely any trade which can be said to be conducted on an extensive scale. The generality of traders and shopkeepers deal in grain, the prosperity or scarcity of crop produce affects the condition of institutions and the amount of decrees to be realized. Individual cases and extraordinary circumstances may raise or lower the percentage of realization, yet one can hardly expect a very large percentage in this district, considering the above facts in comparison with the most prosperous and well-to-do districts of the province.

DISTRICT JUDGE, KARNAL.

(Mr. W. Chevis.)

The total value of money decrees in execution during the year under report was Rs. 3,28,647 as against Rs. 4,09,187 in the year before. Of this, Rs. 50,679 or 15·43 per cent was realized during the year, as against Rs. 41,387 or 10·11 per cent in 1890.

The percentage of realizations during the year under report certainly shows improvement as compared with that for 1890, but it is much lower than the figures for 1888 and 1889, which stood at 21 and 20 respectively.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. G. L. Smith.)

Umballa.—The execution work is far from satisfactory. Institutions were not kept pace with, and only about 18 per cent of realizations in money decrees is deplorably low and compares very unfavorably with 1890, 25 per cent, and 1889, 34 per cent. The reason given by the District Judge is the difficulty of realization from agriculturists especially under the new rules. The falling off is the more to be regretted, as observed by the District Judge, in view of the increased strength of the execution establishment.

In view of the great difficulties now placed in the way of realizations from agriculturists, it is probable that their means of running extravagantly into debt will be curtailed, the money-lenders, with so little hope of realizing their debts, being backward in making loans. From the figures given for "land sold," it is evident that they cannot count on realizing their debts from sale of the land.

Ludhiána.—Ludhiána shows much better in the matter of realization than Umballa, the percentage of realizations in the former being 42 per cent; this is very satisfactory as these things go. The work was better kept pace with than in Umballa.

The reduction in the pending file was very satisfactory and so was the increased percentage of realizations as compared with preceding years. Other improvements are noted by the District Judge, and he, with reason, traces them to the improved establishments; at the same time it does not appear why a similar improvement should not therefore be found in the Umballa courts.

In Ludhiána also no land has been sold during the year.

The figures for debtors arrested are satisfactory, especially the increased realizations from such; only one application for declaration of insolvency was granted during the year.

Simla.—The improvement in execution business is also marked in this district, the percentage of money realizations being 11 per cent better than last year (*viz*, 26 per cent). This is much better than Umballa, but worse than Ludhiána.

As the District Judge remarks, uncertified payments out of court and applications made merely with a view of keeping alive the decree, tend to give the statistics in execution cases a worse complexion than the facts justify.

DISTRICT JUDGE, JULLUNDUR.

(Mr. F. L. Bailey.)

I would shortly allude to the *supurdári* system. Moveable property, when attached is supposed to be in custody and under care of the *supurdár*, and a *supurdnáma* to this

effect is executed. As a matter of fact the property remains in custody of the judgment-debtor, who very often disposes of it for his own purposes. I think realizations would show better if attaching officers were allowed to bring the attached property to head-quarters, of course at the decree-holder's expense. Perishable property should be sold at once; and in case of attachment of cattle and other live-stock, the decree-holder should be called on to bear the expense of feed and keep until the property was brought to the hammer.

I think this procedure would lead to judgment-debtors making some efforts to satisfy their decree-holders; and I think there would also be an appreciable decrease in the number of objections to attachment (section 278, Civil Procedure Code) and in suits arising out of such objections.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

In Hoshiárpur less work was disposed of, less promptly and with worse results than in the previous year. The Kángra figures are more favorable.

In Hoshiárpur the percentage of realizations has fallen from 29 to 22, which is far below the average percentage for the province. The District Judge attributes this falling off principally to a more strict observance of the provisions of law, which exempt from attachment so much of the produce of an agriculturist as the Collector thinks necessary for seed-grain and subsistence until next harvest. This is not an explanation which should be accepted lightly. There has been no change in the law on the subject since 1888, and there is no apparent reason why the percentage of realizations in this district should be so much below the provincial average.

In Kángra the percentage of realizations has risen from 36 to 44.

DIVISIONAL JUDGE, AMRITSAR DIVISION.

(Mr. F. C. Channing.)

Execution of decree work is always more or less unsatisfactory; it does not seem to me work which can really be very efficiently conducted by courts; it is essentially work for an administrative office, the head of which, should decide all ordinary matters and refer for judicial decision, only questions in which there was really at issue some question of law or fact.

DISTRICT JUDGE, AMRITSAR.

(Rai Buta Mal.)

The total value of money decrees in execution was Rs. 8,29,312 as against Rs. 8,04,258, and the total realized was Rs. 2,93,583 as against Rs. 3,38,418, giving a percentage of realizations of 35 as against 42.

A comparison of figures for the year with those of the preceding year is favorable all round, and the unfavorable result, as regards the percentage of realizations, can only be accounted for by the unfavorable seasons during the year under review, and the fact that the property available for seizure and sale was less valuable than that during the preceding year. While mere arrest exercises wholesome effect in inducing the judgment-debtor to do what he can to satisfy the decree, very little is gained by driving him to extremities and sending him to prison.

DISTRICT JUDGE, GURDASPUR.

(Sayad Mahammad Lalif.)

There is an increase of 424 in wholly infructuous cases and a decrease of 832 in voluntary realizations and of 5,787 in the amount realized after execution of processes. This want of success on the part of the decree-holders in realizing fully their money decrees is due to the introduction of Chief Court Circular No. VI—1612 G., dated 3rd March 1891, which provides for the subsistence of the family of the zamíndárs out of the year's produce of land, the maintenance of his cattle, &c. The rules issued by the Chief Court have had a wholesome effect on the zamíndárs who have been saved from utter ruin at the hands of importunate money-lenders, to whom, after making all due allowance to the zamíndárs under the provisions of the Circular, little of the produce to be proceeded against is left. But this by no means implies that the ever-vigilant *bania* is rendered remediless. Future relations between him and the zamíndárs must be maintained on the basis which

constitutes the present rural society, and necessity on their part compels them to yield to his demands and make settlement out of court resulting in the renewal of bond or mortgage of lands, &c. Hence the apparent increase in the amount of realizations after issue but without execution of process.

DISTRICT JUDGE, SIALKOT.

(Major J. A. L. Montgomery.)

The percentage of realizations on value of decrees is not satisfactory, being 22·85 against 29·89 in the previous year.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

Applications for execution increased by 630. The number completely executed has not varied; those partially executed increased by 501. The number that proved wholly infructuous has hardly altered. And though realizations amounted to Rs. 3,53,950, still the percentage has fallen to 37, as the value of money decrees in execution increased by over a lakh of rupees. My inspection of some of the subordinate courts showed me that the proportion, roughly, of realizations to amount of decrees in execution, was one-third.

DIVISIONAL JUDGE, FEROZEPORE DIVISION.

(Mr. M. Macauliffe.)

Ferozepore.—The number of execution cases has decreased from 121 pending over three months and 77 pending over six months at the close of 1890, to 77 and 61 respectively at the close of 1891.

The percentage of realization shows a slight improvement.

Hissár.—The execution work has been kept well in hand in this district. Only six applications are pending over six months.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Khan Mahammad Hayat Khan, C.S.I.)

With the increase and decrease in litigation the number of applications for execution has risen in Jhang and Muzaffargarh and fallen in Mooltan and Montgomery.

The proportion of completely executed decrees has risen by four per cent in Mooltan and Montgomery, and one per cent in Jhang, and fallen by five per cent in Muzaffargarh. Partial executions show a slight improvement.

The percentage of wholly infructuous decrees was—

Mooltan	...	...	...	52	as against	56
Jhang ...	...	...	...	52	ditto	58
Montgomery	...	...	...	60	ditto	64
Muzaffargarh	...	...	...	60	ditto	53

The percentage of realizations in money decrees was most satisfactory in Mooltan, where it rose from 25 to 36, and least satisfactory in Jhang, where it was 23 per cent. The reduction of 24 per cent in Montgomery is accounted for by the fact that the realizations of 1890 were swelled by a single abnormal item recovered in a case connected with the celebrated Pákpattan shrine.

Although payment or adjustment of decree-money is often made out of, and is not certified to, the court, the percentage of realizations in money decrees generally keeps very low, and this is the case not in any particular division but in the whole province, and its causes appear to be the following:—

(1) the provisions of section 256, Civil Procedure Code, are little used, and the decree-holders are ignorant of it. I have drawn the attention of the courts to this important section;

(2) the responsibility of the "Sapurdárs" is not fully defined as regards the property entrusted to them. Their dishonesty and collusion with the judgment-debtors causes considerable loss to the decree-holders;

(3) execution business is considered miscellaneous work by the courts and is taken up a little before the time of rising. If it is ruled that three execution cases shall be deemed equivalent to one regular suit, the courts will probably give more attention to this important branch of civil judicial work.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. DeCourcy.)

A word should be said about realizations, these fall short of last year; but I am of opinion that there is no wonder it should be so, having regard to the fact that the season has been one of comparative scarcity owing to the ravages of locusts and the scarcity of rainfall.

The agriculturist debtor has received great protection under the law in execution of decrees, and I consider he deserves it so long as the village *bania* is allowed to charge him as he does; of course the protection tells materially against the state of the execution of decree file and will tell still more with reference to the circular issued by the Financial Commissioners in December last.

A great deal is said every year about *Sapurdar*. Like others I have had a certain amount of trouble with them; but while their conduct only retards the progress in the execution of a decree, the defendant is the man who actually suffers by it. What one finds in practise is:—

that the *Sapurdar* is not to be found on the day fixed for sale of the property;

that the property has diminished in value from exposure or other cause;

that the property has been changed and even that it has disappeared from defective watch and ward;

that the *Sapurdar* and defendant between them have made away with the property.

Now it is clear that the position of the *Sapurdar* is not such as to justify too much being required of him. Were it made worth his while to be *Sapurdar* the matter might be different. No doubt there is a great convenience and saving of expense to the debtor in having his property made over to such a person, but the system is attended with certain disadvantages too; and the question really is, whether the present plan is better than the old one, taking it all round, or not I am of opinion it is and that we should go on working it until some better plan offers.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson).

The present proportion of wholly infructuous applications (65 per cent) is far too high. Of the total realizable (Rs. 2,35,964) Rs. 64,459 or somewhat over 25 per cent were actually realized.

The causes which lead to this state of affairs have been pointed out in former reports. Cattle form the chief immoveable property, and these are easily made over to relatives on the creditor's taking out execution. The number of dishonest evasions is however equalled by the cases in which judgment-creditors attach a third person's property often in collusion with the debtor himself.

The truth is that execution proceedings are most perfunctorily done by all the courts.

The difficulty of finding honest *Sapurdars* is considerable, and instances have occurred recently of considerable numbers of camel, cattle, &c., being made away with by these men. In all the larger districts of the province an officer ought to be specially entrusted with the supervision of the Sheriff's office and staff, and execution proceedings of any difficulty or importance should all be made over to this officer. As it is, very inadequate protection is given to honest litigants, whether decree-holders or debtors. The struggle between the money-lender and his debtor only commences when the decree has been passed, and attempts to wrongfully attach, to conceal property, &c., are increasing in number.

One case occurred in which the cattle of a debtor was attached and sold through a peon in the *bazar* of the village. Being bought in by the debtor's relatives, the property was again attached and disposed of; the debtor being away on service in the army and his friends ignorant and careless.

The staff employed is utterly untrustworthy and demands very close supervision.

DIVISIONAL JUDGE, RAWALPINDI DIVISION.

(Colonel W. J. Parker.)

The proportion of realizations to the total value of money decrees put in execution during the year under review was 31 per cent or 1 per cent more than in the previous year.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

The introduction of the new scheme under which execution bailiffs have been sanctioned does not appear to have secured better results in this division, the proportion of realizations has decreased, whereas the number of days spent in disposing of each execution case has considerably increased.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clark.)

The percentage of realizations has improved in Kohát, while it has considerably fallen off in the other two districts.

The District Judge of Pesháwar is unable to assign any correct reason for this decrease. He mentions the courts that were most unsatisfactory in this respect. He notes that the appointment of execution bailiff has not effected any good result as yet, so far as realizations are concerned.

The District Judge complains that it has been found nearly impossible to get the sanction of the Revenue authorities to the sale of land, though applications are made when no other possible method of satisfying decrees is seen. He has a case instituted on 18th January 1889 pending in his court for the non-receipt of sanction to the sale of land which has been applied for.

IX.—WORKING OF SMALL CAUSE COURTS.

DISTRICT JUDGE, JULLUNDUR.

(Mr. F. L. Bailey.)

There is no doubt that the Small Cause Court system has sensibly diminished the number of appeals; and if the system were extended to the rest of the district the District Judge would have to hear about 500 appeals in the year.

As to the next point, the extension of the system, I am of opinion that the experiment might be extended throughout the district. We would then be in a better position to judge of the general popularity or unpopularity of the Small Cause Court system and its effect on petty litigation. The only fear, I think, is that in cases between money-lenders and agriculturists, the courts, which are generally in sympathy with the latter might be inclined to deal arbitrarily and, therefore, unjustly with the former, which would certainly have the effect of making the system unpopular with plaintiffs of this class.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

The economy of time which has been effected by the experiment is obvious. The number of plaints rejected or returned after registration seems large. In a report which he submitted shortly before the end of the year, the District Judge remarked that the establishment of the court was not popular either with money-lenders or their borrowers. The former class does not seem to have much cause for complaint so far as results go.

DISTRICT JUDGE, AMRITSAR.

(Rai Buta Mal.)

Lála Kirpa Rám, Sadr Munsif, commenced work in the exercise of Small Cause Court powers on 15th March 1891. He had 1,858 cases for disposal, of which he disposed of 1,729, whereof 407 were contested.

I have reported separately that the experiment has proved successful, and have recommended the extension of the system to the Tarn Táran tahsíl.

XI.—PROCEDURE.

DIVISIONAL JUDGE, JULLUNDUR DIVISION.

(Lieut.-Col. H. M. M. Wood.)

It appears to be a common practice, in cases in which in execution of decrees the temporary alienation of the land of a judgment-debtor is deemed advisable, for the Col-

lector to sanction a *mortgage* of the land to the *decree-holder* by the judgment-debtor for a period of years. The result of this practice is frequently to prevent the judgment-debtor from *satisfying the decree* at all, and in one case lately before this court, the decree-holder sued on the strength of such a mortgage to recover a sum of money (as value of produce for three harvests) which was in excess of the amount of the decree in lieu of which the land had been, under the Collector's orders, mortgaged to him, thus completely defeating the object of the temporary alienation allowed by *section* 326, namely, the *satisfaction of the decree*.

DIVISIONAL JUDGE, AMRITSAR DIVISION.

(Mr. F. C. Channing.)

Few courts fully understand the exact division between their duties and those of the Collector in cases of attachment of landed property.

The procedure in the matter of the sale of immoveable property other than land is often very incorrect. Many courts seem to work wholly on a traditional routine, and never to correct the routine by the provisions of the Code and of the Judicial Circulars.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

Applications to sue in *forma pauperis* give a great deal of trouble to courts and waste a great deal of their valuable time. There is nothing easier than for a man to prove that he is a pauper; for two or three years prior to suit he goes about apparently doing no work, he wears filthy and tattered garments, and conceals or does away with any visible property of which he was possessed, he comes into court, and proves his pauperism, and then launches forth a most exaggerated and fanciful suit, based on myths and shadows, which a court sees must fail, but which the court is bound to go into with all the care that it does into a suit in which full court-fees has been levied. I am of opinion that the code of Civil Procedure, dealing with pauper suits, needs amendment.

The amendment ought to take the form of giving power to courts to enter into the merits of a pauper suit by a summary enquiry, as in objection cases; if the suit is thrown out, reserving the right to the pauper to institute a regular suit properly stamped:

Pauper suits are oftenest instituted by spendthrifts, who have wasted their own property and desire to share in the property of their kindred, to which they have no right whatever. Sometimes pure malice and spite prompt such suits being instituted; and I think courts ought to have summary powers of putting speedy end to such litigation.

XII.—MISCELLANEOUS. PROCESS FEES AND PROCESS-SERVING ESTABLISHMENTS.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

The new scale of process-serving establishment prescribed by Chief Court's Book Circular No. XXI of 1890 has now been introduced in all districts of this division. The District Judge of Delhi is not satisfied with its working up to date. The District Judge of Gurgáon reports that the new scheme is no doubt an improvement, while the District Judge of Karnál states that "the new system appears to have worked satisfactorily so far," but goes on to say that "it is too early as yet to express any decided opinion on the subject." The District Judge of Rohtak has not specially noticed this point.

DISTRICT JUDGE, UMBALLA.

(Mr. A. C. Marshall.)

The new scheme laid down was in full operation in the year, and has given satisfaction as far as I am able at present to judge, but, it has not, as hoped, resulted in any improvement in the realizations in execution of decrees.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

The new system of serving processes continues to work satisfactorily.

The overworked staff of the Munsif's courts has now been strengthened, and has resulted in the decided improvement of the execution of decree work.

DISTRICT JUDGE, SIMLA.

(MR. J. E. ROWE.)

The process-serving establishment of the district was improved during this year in accordance with Book Circular No. XXI of 1890, that is, a civil názir and two execution bailiffs were added to its strength.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(MR. G. W. RIVAZ.)

The year under report is the first in which the revised establishments have been at work.

The District Judge of Hoshiárpur writes in his present report that the appointment of execution bailiffs has not resulted in better work, that the number is insufficient and that they are not more reliable than peons. It is rather soon to come to the last conclusion.

The District Judge of Kángra does not notice the subject.

It will be seen that notwithstanding the strengthening of the establishments, Government made a larger profit from the service of processes last year than in the preceding year.

DISTRICT JUDGE, HOSHIARPUR.

(PUNDIT RAM NATH.)

Employment of Assistant Náib-Sheriffs has been a great help to the Munsif's Establishment.

DISTRICT JUDGE, AMRITSAR.

(RAI BUTA MAL.)

The revised establishment has on the whole worked well, but there is still much room for improvement.

DISTRICT JUDGE, SIALKOT.

(MAJOR J. A. L. MONTGOMERY.)

The appointment of a Civil Názir was a necessity, and has done much to make the Názir's work easier.

The increase in the ministerial staff of the Munsifs' courts has also done much good. It is possible now for the bailiffs to do most of the attachments, and for the Náib-Názirs or Madad Moharrirs to conduct most sales in execution.

DISTRICT JUDGE, GUJRANWALA.

(MR. J. G. RENNIE.)

I regret I am unable to give an opinion as to how the new arrangements for serving processes have worked. The execution figures do not seem to suggest that the system introduced at the commencement of the year has been productive of much benefit.

DIVISIONAL JUDGE, LAHORE DIVISION.

(COLONEL C. H. T. MARSHALL.)

It is satisfactory to learn from the report that there has been a marked improvement in the ministerial work in the Munsifs' courts since the establishment has been strengthened, and that complaints have thereby considerably lessened.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

There has been a very marked improvement in the ministerial court work of all the Munsifs' courts since the establishment has been strengthened; and whereas frequent complaints used to come from the Deputy Commissioner's Record-keeper as to decided files not having been sent in proper time to the Record-room, or, if sent, *sent* without proper arrangement and attestation, there was only one complaint during 1891, and that was satisfactorily explained away. Similarly in all the departments of ministerial work, the work has been expeditiously done. Processes are distributed with despatch. They are served quickly, and are returned in time, save where defendants are keeping out of the way or witnesses are told to be away.

So far there has been improvement by the revision of establishment as well as by the change introduced of sending summonses, &c, by post to the courts of Munsifs for service in their tahsils instead of, as formerly, sending out process-servers from head-quarters when such process-servers and tahsil process-servers might be probably travelling side by side. But a further improvement was expected, and that in a practical shape, by increased realizations by decree-holders, and in this respect matters are much the same as before.

DISTRICT JUDGE, HISSAR.

(Captain C. Parsons.)

On the subject of the process-serving establishment I wish to make a special report. No "Madad Náib-Názirs" were sanctioned for this district by Chief Court Book Circular XXI—4513 G., dated 10th November 1890, and the four Náib-Názirs have been posted at the tahsils to carry out the decentralised method of summons service. But the sadr staff is much weakened by this move, and I think that in common with other districts of the division, Hissár should be allowed two or three "Madad Náib-Názirs." The intention of the circular did not appear to be that Náib-Názirs should be sent to tahsils at all, but without sending them out it was difficult to follow out the spirit of the circular.

DIVISIONAL JUDGE, MOOLTAN DIVISION.

(Khan Mahammad Hayat Khan, C.S.I.)

The new system of serving processes through the out-lying courts has been working well and no complaints have been received from any of the four districts. The District Judges are however silent on this important point.

DISTRICT JUDGE, RAWALPINDI.

(Mr. J. A. Anderson.)

There were 80 process-servers employed during the year.

I am of opinion that the number is not sufficient and intend to send in an application on the subject.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

Mr. Homan (Dera Ismail Khan) says that the new arrangement of serving processes, *tahsilwár*, has worked well. I doubt whether this is entirely correct, as I have had several complaints from the Munsifs direct of the delay in effecting service of summonses in out-lying tahsils. Mr. Gee (Bannu) remarks that complaints are constantly received that processes are not promptly served and that the working of the new system does not seem as satisfactory as it might be. Mr. Birch (Dera Gházi Khan) has not noticed the working of the new system.

With regard to the system of sending processes by post to out-lying tahsils for service by the civil peons stationed there, there seem several objections to the present arrangement of sending the expenses of the witness, to be summoned, by money order. Money orders are usually delivered two to three days later at least than a letter posted at the same time, with the result that either service is delayed till the arrival of the money order, or if the process is an urgent one, it has to be served without tendering the amount of expenses, to recover which the witness is frequently put to great inconvenience subsequently. It frequently happens also that the parties compromise the case and the witnesses hearing this do not attend the court, although they have received their expenses. The amount of costs to be borne by the parties is thus unduly increased. It seems to me that all these

objections would be obviated by a system of cheques; the party summoning the witness to pay in the amount for expenses, which should remain in deposit in court; a cheque would be sent by post *with the summons* and this would be cashed only on the witness attending in person in court. If the case were compromised and the witnesses did not attend, the amount would be refunded to the party who originally paid it in.

DIVISIONAL JUDGE, PESHAWAR DIVISION.

(Mr. W. O. Clark.)

The new system of localizing the service of processes at tahsils has been introduced and the District Judges of Peshâwar and Kohât consider that this system has produced good results.

XIII.—MISCELLANEOUS—SUPERVISION OF THE CIVIL WORK OF SUBORDINATE COURTS.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

The Hoshiârpur district had not a separate officer as District Judge during most of the year. A separate officer is required. Hoshiârpur is one of the most important districts in the province as regards its civil litigation, and it is impossible for the Deputy Commissioner to do more than exercise a general supervision when he is District Judge. All details of supervision have necessarily to be left to the Subordinate Judge with appellate powers; and he has not the same authority as a District Judge, nor does he always possess the necessary qualifications for superintending a large number of subordinate courts.

XV.—ANY OTHER SUBJECT CONNECTED WITH THE ADMINISTRATION OF CIVIL JUSTICE.

DIVISIONAL JUDGE, DELHI DIVISION.

(Mr. T. Troward.)

The District Judges both of Delhi and Gurgâon remark on the work entailed by cases regarding the devolution of property which are by law required to be tried in the court of the District Judge only. In the case of the District Judge of Delhi this undoubtedly forms a large item, and he should, therefore, equalize his work by making over a larger number of original suits to the courts subordinate to him. In the case of those District Judges who are also Deputy Commissioners, it appears to me that, if these officers are to exercise civil judicial powers at all, it is just as well they should have something to keep them in practice of this class of work, since they very rarely exercise their judicial functions, except where the Sub-Judge has only second class powers. My own opinion is that it would be much better if Deputy Commissioners could be entirely divested of their civil powers, for, as remarked by Mr. Drummond, they get quite out of the practice of using them, and the work is practically done by the Subordinate Judge.

DISTRICT JUDGE, DELHI.

(Mr. S. Clifford.)

I desire here to bring to notice that the work under Act VIII of 1890 has considerably increased, and that it is impossible for the District Judge to do the amount of original civil work which has heretofore fallen to his share.

DISTRICT JUDGE, GURGAON

(Mr. J. R. Drummond.)

It becomes yearly less practicable for the Deputy Commissioner of this district to control the civil judicial work to any real extent, and with Delhi only an hour off by rail it seems a waste of power to maintain courts of higher grade than a Munsif of the 1st class within this district at all, if the law only admitted of important cases being heard by a District Judge (in the regulation sense) sitting at Delhi.

Cases which the District Judge has to take up under the various enactments touching the devolution of property, are increasing, and demand at times a degree of labour and attention which it would puzzle the most industrious Deputy Commissioner to find, to say nothing of the want of practice in civil judicial business under which he labours.

DIVISIONAL JUDGE, UMBALLA DIVISION.

(Mr. G. L. Smith.)

Ludhiána.—The District Judge has made some sound and useful remarks. The difficulties he mentions resulting from the Revenue Assistants trying land suits are not exaggerated. The addition of another Assistant Commissioner or Extra Assistant Commissioner to the district would render it unnecessary to send those suits to the Revenue Assistant and the additional help would be suitable.

During the year a scheme of *punchayats* has been inaugurated by the Deputy Commissioner in the Umballa district for the settlement, out of court, of claims by money-lenders against agriculturists. The scheme has thrown the ordinary judicial machinery out of gear, at first tending to reduce institutions (pressure having been put to keep the parties out of court), but afterwards to swell them, partly, by reason of the *panchayat's* decisions, which the aggrieved party wished to have over-ruled, and partly as the District Judge has stated (under head 1), because "the money-lenders to avoid falling into the hands of these *punchayats* had recourse to the civil courts." The whole matter has formed the subject of separate report and correspondence, but it is mentioned again here as being intimately connected with the administration of civil justice.

The scheme is a very broad one and is founded on a laudable motive and sound abstract principles, but in practice it is very doubtful whether it can ever come to any good without legislation to back it. The *panchayats* are corrupt and partial; the *bania* ill-disposed to come to terms (from the nature of the case, more or less adverse to him) and the whole scheme deriving its only prop from the personal influence of the Deputy Commissioner. Experience shows that arbitration, even when worked according to law by the courts, is very slightly resorted to and rarely gives satisfaction to both parties, it is, therefore, unlikely that arbitration, by irregular tribunals whose constitution has no sanction in law, will be acceptable or will work by any other means than official pressure, which is not only objectionable in itself but takes the whole ground from under the scheme which, from the nature of the case, can only subsist on the free consent of all parties concerned.

My experience of the scheme is not only that it is not worked impartially, but that it actually (as proved by greatly increased institutions during the year) increases instead of reducing litigation, and in any case has no beneficial results to show at all commensurate with the dissatisfaction and friction it produces.

Another reform in the Umballa district during the year has been in the matter of granting copies. This scheme has been fully reported on and circulated in all districts. The main principle of it is that an agent at head-quarters obtains the copies (applied for by post) and transmits them by V. P. Post. The scheme is said to work well in Umballa and if (as it must do) it results in saving the people long journies to head-quarters and being plundered when they get there, it is deserving of every consideration.

In Umballa also I hear complaints of touting by pleaders and their agents. This is a crying evil which is not, I believe, at all confined to Umballa and seriously calls for some plan for its prevention.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

According to the instructions contained in Chief Court Book Circular No. XX of 1890 "land-suits" were throughout the year under report made over to the Revenue Assistant of the district, but I would respectfully submit that this arrangement inflicts great hardships on litigants. The Revenue Assistant of this district was actually out in camp for 254 days during the past year. The remaining 111 days, again, do not represent the time he worked at the head-quarters, but include holidays on which he came in or was otherwise occupied. It would be no exaggeration to say that this officer scarcely works for a week in a month at "head-quarters." The litigants have, therefore, to follow him about, and very often have to travel 70 and 80 miles and more to be present at the hearing of their cases. Sometimes this officer is given special work, which necessitates his setting off, without much previous notice, in directions other than those previously fixed and notified by him. This, it is clear, is very hard on litigants. They complain bitterly about it and often on various excuses beg that their cases be not referred to the Revenue Assistant, though personally to him they have no objection. If, therefore, this arrangement is to be continued, I would submit that, if after consulting the revenue authorities it be found possible, there should be some definite rules either requiring such officers to be a certain number of days every month at the sadr, during which only they should hear the civil suits made over to them; or, that they should in no case fix civil suits for hearing at distances greater than, say, 15 miles from where the parties to the suit reside. Even then the difficulty would remain in the cases of plaintiffs, when they have to get the first date of appearance for the defendant fixed. Frequently, when I have referred a plaint to the Revenue Assistant, I have had to direct a plaintiff to appear

before that officer 60 and 70 miles away from the sadr and quite in a different direction from his home. The Revenue Assistant himself cannot help this state of affairs. His revenue duties require him to mostly keep out in camp, and as he is an energetic officer he faithfully does it. Another inconvenience connected with this arrangement is that even in difficult and important cases, litigants cannot avail themselves of sufficient legal advice, as they are not able to pay pleaders sufficiently to take them out in camp.

During the past year an Additional Extra Assistant Commissioner was attached to this district for 10 months, and so there was not undue pressure of civil work in any of the Extra Assistant Commissioners' courts. This additional officer is at present on privilege leave, and if he does not return to this district more work will have to be sent to the Revenue Assistant than heretofore, and the difficulties and hardships of litigants which I have above spoken of will be more intensified.

If the Additional Extra Assistant Commissioner who is now on privilege leave is to return to this district, I would most strongly urge that one Extra Assistant Commissioner be entirely set apart for civil work, while the other Extra Assistant Commissioner at the sadr could have only criminal cases to dispose of.

DIVISIONAL JUDGE, HOSHIARPUR DIVISION.

(Mr. G. W. Rivaz.)

In a district like Hoshiárpur, where civil work is heavy and where there is a large Bar, there should, I think, be always an Extra Assistant Commissioner specially selected for civil work, as there is one for revenue work. Ordinarily, exclusive of the District Judge or Subordinate Judge with appellate powers, there are four full powered officers at head-quarters. One of these is the Revenue Assistant and he is specially selected for the post. Another is the Treasury Officer who is liable, as such, to constant interruptions and is not selected primarily for judicial business. Of the remaining two, one should be an officer who is fit to deal with important civil suits, and it should be understood that he is principally to be employed on civil work, and that that work is to have the first claim on his time. There has been no such officer at Hoshiárpur since Lála Shev Naráin was transferred last spring. At the present moment the civil work at the Sadr, which is not taken up by the District Judge, is almost entirely in the hands of the Treasury Officer. This is hard on civil litigants.

Under the existing rules regarding valuation, suits relating to rights of way and water-courses are beyond the ordinary powers of a Tahsíldár and are generally tried by Munsifs. I should prefer to have these suits tried by Tahsíldárs. They can seldom be satisfactorily decided except after local enquiry and usually turn on records with which a Tahsíldár is much better acquainted than a Munsif.

Mr. Kennedy expresses an opinion that Regulation XVII of 1806 causes great hardship to agriculturists. I agree that an agriculturist does not usually realize that he must redeem within the year of grace, though I do not quite understand what Mr. Kennedy means by his being forced to bring a suit within a year. The Regulation also is not a satisfactory one for the mortgagee; as it abounds in pitfalls which he is often not in a position to avoid. I shall be glad when it is superseded by the introduction of the Transfer of Property Act.

Another improvement which will result from the introduction of the Transfer of Property Act will be that in the case of sales, at all events, there will be no longer the opening to fraud which at present is given by the provisions of section 50 of the Registration Act in regard to the priority of registered over unregistered instruments. Since the last declaration of the law by a Full Bench of the Chief Court, transfers by unregistered documents are frequently ignored and the property made the subject of a fresh transfer in the most barefaced way.

DISTRICT JUDGE, KANGRA.

(Mr. T. J. Kennedy.)

In regard to land cases, I think the provisions of Regulation XVII of 1798 cause great hardship to agriculturists. Foreclosures under this regulation are increasing in number, and agriculturists, who in their simplicity, have executed deeds of conditional sale in the belief that they are mortgagees, and who in many cases urge that they have repaid the money borrowed, find themselves deprived of their land, without redress; for to tell an agriculturist that, if he wishes redress, he must file a civil suit within a year is unsatisfactory, because when the necessity for doing so is not immediate, through dilatoriness or want of means, or the influence of his creditor, he puts off doing so till it is too late.

I also find that the applications for the sale of land in execution cases are very frequent where the facts seem to show that the decree-holder has made no effort to attach the moveable property of the judgment-debtor. I think that in these cases courts should be allowed the discretion of refusing execution against the land of the judgment-debtor until satisfied that due diligence has been used by the decree-holder in attempting to realize the amount of the decree from the moveable property of the judgment-debtor.

DISTRICT JUDGE, KULU.

(Mr. M. W. Fenton)

In suits for custody of a wife and in criminal cases under section 497, Indian Penal Code, the plea is often raised that the wife has been sold by the husband to another person whose wife accordingly the woman claims to be. Such sales are very common in Kulu, and the purchaser is generally regarded as the husband of the woman. If the court were to refuse to recognise such transactions, as being contracts contrary to public policy or immoral, much dissatisfaction would ensue and the permanence of many existing and recognised unions of the kind would be endangered. Accordingly, the practice has been adopted of regarding all such transactions as divorce transactions merely, overlooking the pecuniary consideration involved. Where a deed of sale has been executed, it is regarded as a deed of divorce, *tiláknáma*, (a not uncommon method of divorcing a wife), but the party alleging such divorce is always put to strict proof of the transaction when its occurrence is denied.

DISTRICT JUDGE, MOOLTAN.

(Moulvi Mahammad Hussain.)

In the course of my appellate work I have come across a very important shortcoming in the Civil Procedure Code. There is no provision in that Code for granting compensation for vexatious and frivolous cases. The provision, as recently expanded in the Criminal Procedure Code, has been found very effective in preventing frivolous and malicious complaints in any district in which it has been earnestly enforced. A like provision in the Civil Procedure Code is more necessary and will be really welcome, because, as far as I can remember, no suit for compensation for a false and malicious civil suit can be brought. I have come across many instances in which I was sure that the suit was entirely false and vexatious, and that the only motive of the money-lender or a big zamíndár was to vex or ruin a poor agriculturist or tenant, but I was very sorry that I could not give or suggest to the poor defendant any legal remedy except to go back home a successful victim of the malice of his enemy. I would suggest that every original civil court, subject to the confirmation of the appellate court, and every appellate court, be empowered to pass a final order granting compensation up to the limit of Rs. 50 to the aggrieved defendant.

DISTRICT JUDGE, JHANG.

(Kazi Mahammad Aslam Khan, c.m.g.)

There is a good deal of forgery going on in this district. Many forged documents as well as forged entries in account books are made against illiterate zamíndárs, whether Hindus or Mahammadans.

DIVISIONAL JUDGE, JHELUM DIVISION.

(Mr. F. D'O. Bullock.)

In the Gujrát district, and to an apparently smaller extent in the Jhelum district, a system of friendly suits exists, the object of which is to avoid the pitfalls of *dákhil khárij*. For example, land is sold; and on one and the same day the conveyance is executed and registered, a suit is filed against the seller for possession; he appears and confesses judgment and the purchaser gets his decree. This decree ensures mutation; it avoids the dealings of the *patwari*, the *girdawar* and the Tahsíldar, and puts it beyond the power of the seller to repudiate the sale perhaps a year after it was effected, during which time the purchaser has been in possession; and it cuts away from the Tahsíldár the power of entering upon a *quasi*-judicial consideration of rights extraneous to the question of actual possession.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. DeCourcy.)

There is no gainsaying the fact that there is a great deal of perjury and forgery brought to our notice just now. Much more than there was before. Prosecutions in such cases are naturally difficult, and the offences surrounded with technicalities, not a few of

which greatly benefit the offender, thus seeming to fulfil one of the privileges of the criminal law; all the same the consequences are often disastrous to the other side. No evidence of this is wanted, as every district has, I suppose, its man or two who has been ruined in this way and lives to haunt the district officers with his tale of woe.

Here we attempted to stem the tide by launching prosecutions against offenders, but I regret to say in no case have we been successful so far. It is very clear that an example or so in this direction is all that is needed to secure a great improvement in the style and quantity of work now brought before us.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson.)

A rough and ready system of registration of marriages was started in Khushâb tahsîl sometime ago. It has answered well and might be extended to the other tahsîls in default of legislative aid.

DIVISIONAL JUDGE, DERAJAT DIVISION.

(Mr. A. Meredith.)

It seems to me that the Extra Assistant Commissioners are too largely recruited from Tahsîldârs and men who have had no legal training.

DISTRICT JUDGE, BANNU.

(Mr. H. W. Gee.)

During the short time I have been here I have noticed that in cases relating to marriages, betrothals, &c., which form 4 per cent of the total disposals, considerable difficulty is caused owing to the absence of any system of registration of marriages, and false evidence is freely given, supported by the statements of *mullahs* who seem to have little scruple on the point.

STATEMENT No. I.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES ON THE LAST DAY OF THE YEAR 1891.

1	2	3	4	5	6	7	8	9	10	11	12
Class of court.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Number of officers.		Total number of cases decided.			
								Original.		*Appeal.*	
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.
Honorary Courts	107,010 square miles.	18,842,264	14	31	124	1	55	11,810	1,162	...	...
Paid Sub-divisional Courts { Munsifs ...						...	84	169,096	26,274	...	...
Paid Sub-divisional Courts { Tahsil ...						...	129	16,191	1,921	...	...
Small Cause Courts						11	4	34,615	1,821	...	...
District Courts other than Chief Courts of Districts						28	91	19,369	5,058	...	...
Chief Courts of Districts						27	19	4,608	8,625	8,843	793
Total ...						67	382	255,689	44,861	8,843	793
...sional Courts						13	1	8	2,849	7,551	671
Court						5	...	4	11	1,204	189
Grand Total ...						85	383	255,701	47,721	17,598	1,653

STATEMENT No. II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES, INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Suits for money or moveable property.													Other suits.							
	Contract in writing.													Suits for possession or recovery of immoveable property founded on							
Class of tribunal.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Rent other than of land.	Moveable property or value thereof.	Damages.	Other suits for money or moveables, not already mentioned.	Total.	Rent suits and suits under the Punjab Tenancy Act, referred to the Civil Courts under section 54, Punjab Courts Act.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other causes.	Suits to recover possession of immoveable property, under section 9 of the Specific Relief Act.	Suits to compel specific performance of contract.
Honorary Courts	85	3,722	2,181	3,122	52	99	66	56	769	58	69	10,301	...	305	136	3	86	42	223	12	...
Paid Sub-divisional Courts ... { Munsifs ...	1,040	71,986	24,133	36,971	200	1,859	1,469	1,708	10,572	1,096	776	151,804	5	1,932	1,259	17	513	3	2,269	115	12
Paid Sub-divisional Courts ... { Tahsil ...	65	2,355	1,953	2,175	30	65	131	124	946	108	203	8,155	1	2,070	1,571	22	851	...	2,568	158	22
Small Cause Courts	122	13,625	7,185	6,024	92	3,177	1,461	1,831	1,215	102	80	34,914	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	420	2,910	764	1,346	11	40	130	82	305	122	92	6,222	4	3,053	2,200	100	1,490	17	2,482	227	35
Chief Courts of Districts	284	371	120	453	5	7	3	12	50	21	34	1,360	..	334	545	15	337	8	349	28	20
Total ...	2,016	94,969	36,336	50,091	390	5,247	3,282	3,813	13,857	1,501	1,254	212,756	10	7,694	5,711	157	3,277	70	7,891	540	89
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	2,016	94,969	36,336	50,091	390	5,247	3,282	3,813	13,857	1,501	1,254	212,756	10	7,694	5,711	157	3,277	70	7,891	540	89

STATEMENT No. II.—*concluded.*

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES, INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

Class of Tribunal.	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	37a	38	39	40	41	42	43	44
	Other Suits.																						
	Suits for declaratory decree, under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act, not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgment, contracts, or obligations, on the ground of fraud.	*Suits relating to betrothals, marriage, divorce and dower.* Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Succession certificate suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881.	Any suits not included in the foregoing columns.	Total.	Grand Total.	Total number of suits shown in columns 2 to 7 which were brought by bankers or shopkeepers against agriculturists.
Honorary Courts	11	...	42	12	3	...	4	37	22	...	33	11	...	...	...	...	...	...	...	12	994	11,235	5,821
Paid Sub-divisional Courts { Munsifs ...	64	16	140	189	6	1	36	1,281	189	3	1,808	63	...	4	...	...	...	2	3	45	9,975	101,779	92,462
Paid Sub-divisional Courts { Tahsil ...	12	...	53	41	1	1	21	50	...	...	60	9	...	...	...	...	...	...	...	4	7,515	15,670	3,507
Small Cause Courts	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	..	...	34,914	7,356
District Courts other than Chief Court of Districts	350	54	458	392	24	5	73	244	845	21	88	68	...	...	...	...	1	10	2	46	12,269	18,511	2,553
Chief Courts of Districts	132	9	195	70	11	6	24	63	527	8	9	43	...	1	5	...	3	14	...	63	2,819	4,179	518
Total ...	569	79	888	704	45	13	158	1,675	1,583	32	1,998	194	...	5	5	...	4	26	5	170	33,592	246,348	112,217
Divisional Courts	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	...	...	...	...	2	6	6	...
Chief Court	...	...	...	...	...	...	...	...	...	5	...	...	...	...	...	...	...	...	...	...	5	5	...
Grand Total ...	569	79	888	704	45	13	158	1,675	1,583	41	1,998	194	...	5	5	...	4	26	5	172	33,603	246,353	112,217

STATEMENT No. II.

PART II

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES, INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

1	2	3	4	5	6	7	8	9	10	11	12	13	13a	14	15	16	17	18	19	20	21	22	23
	Under the Code of Civil Procedure.											Other miscellaneous cases.											
Class of tribunals.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal.	Applications under secs. 99, 108, 108, 558, and 560, for the restoration to the file of a suit, appeal or application for execution, dismissed on default or decreed ex-parte.	Claims to, and objections to the attachment of attached property under secs. 278 and 487.	Complaints under secs. 328, 332, 334 and 335, except when in case of obstruction by a claimant in good faith, the case is under section 331 to be registered as a suit.	Enquiries under section 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under section 401 for permission to sue as a pauper	Applications under section 592 for permission to appeal as a pauper.	Applications under section 623 for review of judgment.	Proceedings under sections 170, 174 and 643.	Total.	Cases regarding redemption of mortgage under Regulation I of 1798.	Cases regarding foreclosure of mortgage under Regulation XVII of 1806.	Application for certificates of guardianship of minors, or of administration of their property and for the revocation of such certificates.	Applications regarding the care of lunatics' estates, and the guardianship of their persons, under Act XXXV of 1858.	Cases under Succession Certificate Act, VII of 1889.	*Uncontested* applications for probates and letters of administration, under Acts X of 1865 and V of 1881, as amended by Act VI of 1890, and applications for the revocation of such probates and letters.	Other cases connected with the custody and disposal of intestate property.	Cases under section 14 of the Legal Practitioners' Act, 1879.	Applications for certificates under section 40 (c) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns.	Total
Honorary Courts	108	...	606	367	...	2	20	...	43	...	1,146	...	...	...	...	...	...	...	...	...	...	330	330
Paid Sub-divisional { Munsifs ...	2,497	16	11,464	10,145	225	273	546	11	589	125	25,891	...	...	...	...	...	...	...	...	...	...	35	39
Courts ... { Tahsil ...	406	23	1,025	305	4	6	19	1	84	5	1,677	...	...	4	...	...	...	...	...	...	...	8	8
Small Cause Courts	214	...	912	447	...	12	18	...	313	7	1,923	...	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	1,435	...	1,541	1,284	4	12	332	...	198	4	4,810	92	30	2	...	27	...	...	...	...	...	80	231
Chief Courts of Districts ...	569	131	599	550	2	16	214	14	224	5	2,324	50	2,280	708	32	2,864	80	6	1	...	...	305	6,326
Total ...	5,228	170	16,147	13,098	235	321	1,149	26	1,451	146	37,971	142	2,314	710	32	2,891	80	6	1	...	...	758	6,934
Divisional Courts	324	...	131	...	...	...	...	49	111	...	615	...	...	...	...	...	...	...	1	2,152	64	...	2,217
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	...	...	...	...	7
Grand Total ...	5,552	170	16,278	13,098	235	321	1,149	75	1,562	146	38,586	142	2,314	710	32	2,891	87	6	2	2,152	64	758	9,158

STATEMENT No. III.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER OF SUITS INSTITUTED.																							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*				*Not exceeding Rs. 100.*				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not exceeding Rs. 5,000.*			
CLASS OF COURT.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	2,732	103	27	2	5,428	123	94	40	1,569	114	61	28	555	240	52	49	16	18	1	...	1	...	...	...
Paid Sub-divisional Courts { Tahsil ...	2,252	1,895	236	75	4,395	2,770	478	191	1,507	1,522	204	104	1	11	3	6	...	...	...	...	...	...	...	...
Paid Sub-divisional Courts { Munsifs ...	31,501	334	494	104	71,033	388	2,056	1,715	28,117	290	1,409	872	20,844	137	993	673	309	50	46	72	...	...	...	...
Small Cause Courts	9,610	...	...	...	20,549	...	...	...	2,705	...	...	...	2,050	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	560	365	65	25	1,795	1,499	339	146	1,300	1,495	288	281	1,676	3,575	640	463	788	1,143	259	247	101	192	35	20
Chief Courts of Districts	6	7	...	...	32	61	4	2	30	109	7	55	255	556	88	102	395	319	94	232	566	397	82	93
Total ...	46,661	2,704	822	206	103,232	4,841	2,971	2,098	35,228	3,530	1,969	1,340	25,381	4,519	1,776	1,293	1,508	1,530	400	551	668	589	117	113
ivisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	46,661	2,704	822	206	103,232	4,841	2,971	2,098	35,228	3,530	1,969	1,340	25,381	4,519	1,776	1,293	1,508	1,530	400	551	668	589	117	113

STATEMENT No. III.—*concluded.*

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

Class of court.	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
	NUMBER OF SUITS INSTITUTED.																		TOTAL VALUE OF SUITS.			
	Not exceeding Rs 10,000.			*Not exceeding Rs.* 1,00,000.				*Exceeding Rs.* 1,00,000.				*Suits of which the value cannot be fixed.*			*Total.*							
	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
																			Rs.	Rs.	Rs.	Rs.
Honorary Courts	...	...	...	...	...	...	...	...	...	...	...	6	14	22	10,301	604	249	141	3,80,534	90,850	21,244	15,991
Paid Sub-divisional Courts { Tahsil ...	...	...	...	...	...	...	...	...	...	...	...	9	5	6	8,165	6,207	926	362	2,27,930	2,09,721	33,930	13,826
Paid Sub-divisional Courts { Munsifs ...	...	...	...	...	...	...	...	...	...	...	...	56	147	135	151,804	1,255	5,145	3,575	78,13,607	1,43,434	4,07,712	3,09,708
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	34,914	...	...	...	11,76,791	...	...	...
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	535	125	552	6,222	8,804	1,751	1,734	13,21,854	21,40,759	4,08,884	3,44,586
Chief Courts of Districts	53	22	15	8	23	15	10	7	...	...	...	182	26	325	1,360	1,668	320	825	31,01,151	18,72,381	6,15,238	11,69,770
Total ...	53	22	15	8	25	15	10	7	...	...	...	788	317	1,040	212,756	18,538	8,397	6,657	1,40,21,867	44,57,145	14,87,003	18,53,881
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	6	...	...	...	6	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	5	...	...	...	5	...	...	...	...
Grand Total ...	53	22	15	8	25	15	10	7	...	...	...	788	317	1,051	212,756	18,538	8,397	6,668	1,40,21,867	44,57,145	14,87,003	18,53,881

STATEMENT No. IV.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1891.

PART I.—*Civil suits.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF												AVERAGE DURATION OF SUITS.		
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.		Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Contested.	Uncontested.	Average number of days the parties or either or any of them had to attend Court.
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	12,511	...	2,403	2,106	2,865	1,298	151	126	35	2,219	607	701	35	28	19	3
Paid Sub-divisional Courts { Tahsil ...	17,412	3	3,766	2,726	2,636	1,271	236	183	53	3,589	1,728	1,221	26	34	22	3
Paid Sub-divisional Courts { Munsifs ...	180,031	...	35,702	33,382	29,159	22,426	2,602	521	128	35,721	9,455	10,935	397	28	19	2
Small Cause Courts	36,779	...	5,832	6,738	6,979	6,047	393	71	15	6,846	1,694	2,164	77	19	15	2
District Courts other than Chief Courts of Districts ...	22,155	1	3,825	2,185	2,015	1,449	414	168	46	6,235	3,031	2,786	317	47	34	4
Chief Courts of Districts...	5,287	3	664	401	460	334	46	79	21	1,644	956	679	160	64	40	4
Total ...	274,175	7	52,192	47,538	44,114	32,825	3,842	1,148	298	56,254	17,471	18,486	1,012	32	21	3
Divisional Courts	8	...	2	...	...	...	...	...	...	5	1	...	...	59	15	2
Chief Court	8	...	1	...	..	1	1	...	...	1	...	4	2	480	241	3
GRAND TOTAL ...	274,191	7	52,195	47,538	44,114	32,826	3,843	1,148	298	56,260	17,472	18,490	1,014	32	21	3

STATEMENT No. IV.—*concluded.*

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1891.

PART II.—*Miscellaneous suits.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex parte.*	Dismissed *ex parte.*	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	1,243	...	321	67	108	86	9	1	1	389	180	81	...	20	14	2
Paid Sub-divisional Courts { Munsifs	28,336	...	7,165	1,197	1,422	1,148	336	5	1	9,848	5,152	2,062	58	18	15	2
Paid Sub-divisional Courts { Tahsil	2,018	...	640	88	46	59	25	2	1	748	312	97	...	17	9	2
Small Cause Courts	1,978	...	532	129	142	74	17	2	...	656	269	157	...	16	13	2
District Courts other than Chief Courts of Districts ...	5,420	...	1,820	136	101	111	81	1	...	1,739	1,069	362	17	21	13	2
Chief Courts of Districts...	9,434	1	1,616	138	154	815	83	1	1	4,951	865	809	30	30	18	2
Total ...	48,429	1	12,094	1,755	1,973	2,293	551	12	4	18,331	7,847	3,568	105	20	15	2
Divisional Courts	2,889	13	1,128	1	...	52	891	...	...	223	541	40	8	38	6	2
Chief Court	11	...	...	...	...	11	...	...	...	...	...	...	...	...	103	1
GRAND TOTAL ...	51,329	14	13,222	1,756	1,973	2,356	1,442	12	4	18,554	8,388	3,608	113	20	16	2

STATEMENT No. V.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PROVINCE OF THE PUNJAB IN THE YEAR 1891.

PART I.—*Appeals from decrees.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to other districts.	Decisions confirmed, section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted.	HEARD *ex parte*.				CONTESTED.				Pending.	Number pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Objections allowed.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
Appellate Courts other than Chief Courts of Districts	3,152	3	563	180	117	15	25	26	967	259	479	334	184	1	31	20	3
Chief Appellate Courts of Districts	6,386	20	1,120	295	79	33	53	30	2,320	487	958	480	511	29	29	80	11
Total ...	9,538	23	1,683	475	196	48	78	56	3,287	746	1,437	814	695	30	30	100	14
Divisional Courts—Appeals from original decrees	9,028	76	1,517	291	171	13	28	11	2,686	534	1,510	514	1,477	449	89	117	37
Chief Court ... { Ditto	167	7	4	5	...	...	...	...	23	14	13	8	93	76	477	1	...
{ Appeals from appellate decrees	2,289	2	341	30	...	...	3	...	351	72	260	71	1,159	959	327	10	2
GRAND TOTAL ...	21,022	108	3,545	801	367	61	109	67	6,547	1,366	3,220	1,407	3,424	1,514	83	228	53

PART II.—*Miscellaneous.*

Appellate Courts other than Chief Courts of Districts	263	1	72	12	6	2	1	1	57	5	48	46	12	...	23	...	...
Chief Appellate Courts of Districts	578	4	116	31	22	1	5	7	154	6	78	118	36	...	27	1	...
Total ...	841	5	188	43	28	3	6	8	211	11	126	164	48	...	26	1	...
Divisional Courts—Appeals from original orders	789	13	180	42	19	...	5	3	171	24	129	85	118	19	64	4	2
Chief Court { Ditto	98	2	17	3	...	...	...	...	6	3	10	15	42	22	130	...	..
{ Appeals from appellate orders	179	3	77	2	...	...	...	...	13	2	16	20	46	21	146	...	.
GRAND TOTAL ...	1,907	23	462	90	47	3	11	11	401	40	281	284	254	62	63	5	2

STATEMENT No. VI.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB DURING THE YEAR 1891.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
		Applications disposed of.										Realizations in decrees for money.			
			Satisfaction obtained in full.		Satisfaction obtained in part.							Amount realized.			
Class of court.	Total number of applications to execute decrees, for disposal.	By transfer under section 223.	Through the Court.	Under section 258.	Through the Court.	Under section 258.	Wholly infructuous.	Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Without issue of coercive process.	After issue but without execution of process.	With the issue of process.	Total realized.
											Rs.	Rs.	Rs.	Rs.	Rs.
Honorary Courts	5,479	11	1,532	35	1,243	11	2,020	627	45	8	2,06,837	3,971	13,059	52,462	69,492
Paid Sub-divisional Courts. { Tahsil ...	8,373	9	3,161	74	1,282	40	3,157	650	39	9	2,18,432	4,367	14,940	66,514	85,821
Paid Sub-divisional Courts. { Munsifs ...	152,430	421	34,056	445	31,835	241	68,958	16,474	1,589	835	74,28,888	1,63,794	4,51,817	15,69,196	21,84,807
Small Cause Courts	18,855	710	3,924	1,042	4,219	1,410	6,088	1,462	16	3	5,59,297	59,398	33,522	1,25,370	2,18,290
District Courts other than Chief Courts of Districts	18,854	66	5,349	60	2,714	53	7,834	2,778	318	177	23,39,646	48,022	96,013	4,20,400	5,64,435
Chief Courts of Districts ...	6,801	98	1,861	107	1,081	24	2,534	1,096	191	193	35,77,209	2,10,361	1,48,313	6,68,531	10,27,205
Total ...	210,792	1,315	49,883	1,763	42,374	1,779	90,591	23,087	2,198	1,225	1,43,30,309	4,89,913	7,57,664	29,02,473	41,50,050

STATEMENT No. VI.—*concluded.*

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB DURING THE YEAR 1891.

1	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	Number of applications.													
Class of court.	On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment.	On which the judgment-debtor was imprisoned.	*On which moveable property*		*On which*				*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
				Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under section 305 or section 308, Civil Procedure Code.	Of moveable property.	Of immoveable property.			
Honorary Courts	1,477	191	4	1,525	300	220	...	94	...	8	224	...	9	1
Paid Sub-divisional Courts. { Tahsil ...	1,656	95	17	2,446	442	114	...	48	5	5	1,341	4	3	...
{ Munsifs ...	47,052	2,383	227	32,485	7,565	5,720	20	1,979	337	633	2,324	81	21	1
Small Cause Courts	2,513	417	41	1,327	861	23	...	3	...	20	...	...	4	...
District Courts other than Chief Courts of Districts.	3,385	243	48	3,232	955	915	4	315	95	64	2,137	43	25	5
Chief Courts of Districts... ...	1,194	98	25	975	391	294	6	172	20	20	696	21	26	13
Total ...	57,277	3,427	362	41,990	10,514	7,286	30	2,611	457	750	6,722	149	88	20

STATEMENT No. VII.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB DURING THE YEAR 1891

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURTS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURTS.				DISPOSED OF.				
CLASS OF COURT.	Pending at the close of the previous year.	Filed during the year.			Received by transfer from other districts.	Total.	Transferred to other districts.	Withdrawn or otherwise not prosecuted.	Granted.		Rejected.			Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer.	Total.	Transferred.	Died.	Discharged.		Remaining at the close of the year.
		By judgment-debtors.		By decree-holders.					A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 360 not being taken.	Sentence of imprisonment being passed under section 360.	Applicant being sent to the Magistrate to be dealt with.									Under section 351.	Under section 355.	
		Under arrest or imprisonment.	Not under arrest or imprisonment.																					
Courts other than District Courts specially empowered under section 360, Civil Procedure Code ...	23	3	124	...	...	150	...	54	6	16	27	...	...	103	47	56	22	...	78	...	...	16	9	53
District Courts	66	8	175	12	...	261	...	74	33	17	95	...	1	220	41	33	54	2	89	...	1	17	22	49
TOTAL ...	89	11	299	12	...	411	...	128	39	33	122	...	1	323	88	89	76	2	167	...	1	33	31	102

STATEMENT No. VII.—*concluded.*

PROCEEDINGS IN INSOLVENCY, UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB, DURING THE YEAR 1891.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvents' estates in the hands of receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*			
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of the previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realised assets in the hands of receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of receivers at the close of the year.
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Courts other than District Courts specially empowered under section 360, Civil Procedure Code	25	5	6	24	4,18,544	9,947	15,132	5,781	4,02,710	10,227	2,221	5,771	6,747
District Courts	50	33	53	30	1,63,935	74,443	31,171	79,243	1,17,079	5,931	20,296	22,164	2,680
TOTAL ...	75	38	59	54	5,82,479	84,390	46,303	85,024	5,19,789	16,228	22,517	27,935	9,377

STATEMENT No. VIII.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1891.

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which the Judge agreed with the assessors.	*Number of cases in which the Judge differed from*	
				One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	30	11	...	8

STATEMENT No. IX.

STATEMENT SHOWING THE NUMBER OF DAYS THE SENIOR JUDGE AND EACH OF THE JUDGES OF THE CHIEF COURT, PUNJAB, SAT IN COURT AND AT CHAMBERS IN THE COURT-HOUSE DURING THE YEAR 1891.

1	2	3	4	5		6
Name of Judge.	Portion of year during which the Judge was, as such, present on duty.	Number of days on which the Judges sat in Court for hearing causes.	Number of days (if any), not included in column 3, on which the Judges sat in the Court-house for the transaction of administrative business.	Average length of daily sitting. (a). For hearing causes (column 3).	(b). For transaction of administrative business (column 4).	Remarks.
Sir Meredyth Plowden	1st January to 3rd May 1891.	82	5	7 hours.	6 hours.	There is ordinarily one meeting in each month of the Judges for the transaction of the more important administrative business. The current administrative business is transacted from time to time, or daily, by the Judges. The figures in columns 4 and 5 (b) show only the number of meetings of the Judges and their estimated average duration. The time spent by each Judge on current administrative business cannot be ascertained, nor is it always transacted in the Court-house. The holidays on which the Judges came to the Court to write judgments, &c., are not included in column 3.
Mr. Justice Roe	1st January to 6th July 1891, and from 7th August to 31st December 1891.	171	9	Do.	Do.	
Mr. Justice Frizelle	Whole year	208	9	Do.	Do.	
Mr. Justice Benton	1st January to 15th March 1891, and 4th November to 31st December 1891.	83	1	Do.	Do.	
Mr Justice Rivaz	1st January to 15th October 1891, and from 16th November to 31st December 1891.	174	3	Do.	Do.	
Mr. Justice Stogdon	16th March to 31st December 1891.	139	...	Do.	...	
Mr. Justice Beachcroft	4th May to 3rd November 1891.	94	...	Do.	...	

SUPPLEMENTARY STATEMENT A.

STATEMENT SHOWING THE VALUE OF THE SUITS INSTITUTED IN THE DISTRICTS OF THE PUNJAB FOR THE LAST THREE YEARS.

District.	1889.	1890.	1891.
	Rs.	Rs.	Rs.
Delhi	18,66,270	20,22,477	20,34,394
Gurgáon	2,49,669	1,93,755	2,05,777
Rohtak	3,14,861	2,64,752	3,34,412
Karnál	2,71,360	2,39,526	3,21,421
Umballa	10,75,344	10,11,555	8,42,863
Ludhiána	8,44,298	6,39,163	7,57,141
Simla	3,00,460	2,97,954	2,19,591
Jullundur	10,94,259	8,96,869	11,76,568
Hoshiárpur	9,30,732	11,47,206	10,50,686
Káugra	3,96,001	4,05,870	4,53,186
Kullu	32,521	35,286	28,641
Amritsar	14,54,169	13,74,447	14,80,884
Gurdáspur	11,23,377	11,48,839	11,49,846
Siálkot	12,85,100	11,51,029	12,14,306
Gujránwála	8,44,814	42,30,140	13,82,364
Lahore	15,30,108	26,80,211	16,03,374
Ferozepore	10,08,513	8,66,583	9,45,125
Hissár	3,27,010	2,38,976	4,20,449
Mooltan	8,67,986	7,89,346	7,06,777
Jhang	3,81,882	3,55,526	4,93,961
Montgomery	2,59,571	3,71,924	2,84,419
Muzaffargarh	2,83,066	2,97,225	3,45,755
Jhelum	5,71,771	4,48,177	5,68,021
Gujrát	5,76,919	4,76,726	3,70,096
Ráwalpindi	8,49,965	12,27,558	9,26,076
Shahpur	3,84,698	4,91,826	4,19,698
Dera Ismail Khan	3,86,769	6,06,908	5,35,058
Dera Gházi Khan	2,17,486	2,28,404	1,85,479
Bannu	2,86,643	2,75,474	3,29,662
Pesháwar	4,00,025	6,47,808	5,67,213
Hazára	1,65,004	2,66,285	3,76,089
Kohát	1,24,450	1,31,543	90,624
Total ...	2,07,05,101	2,54,59,368	2,18,19,896